IMPROPER GRANTING OF U.S. CITIZENSHIP WITHOUT CONDUCTING CRIMINAL BACKGROUND CHECKS

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

AND THE

SUBCOMMITTEE ON IMMIGRATION AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

MARCH 5, 1997

Committee on Government Reform and Oversight

Serial No. 105–21

Committee on the Judiciary

Serial No. 14

Printed for the use of the Committee on Government Reform and Oversight and the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

41–887 CC WASHINGTON : 1997

For sale by the Superintendent of Documents, U.S. Government Printing Office
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IMPROPER GRANTING OF U.S. CITIZENSHIP WITHOUT CONDUCTING CRIMINAL BACKGROUND CHECKS

WEDNESDAY, MARCH 5, 1997

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, JOINTLY WITH THE SUBCOMMITTEE ON IMMIGRATION AND CLAIMS, COMMITTEE ON THE JUDICIARY,

Washington, DC.

The subcommittees met, pursuant to notice, at 10:15 a.m., in room 2154, Rayburn House Office Building, Hon. J. Dennis Hastert (chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice) presiding.

Present from the Subcommittee on National Security, International Affairs, and Criminal Justice: Representatives Hastert, Ros-Lehtinen, Mica, Shadegg, LaTourette, Barr, Barrett, Condit, and Turner.

Present from the Subcommitte on Immigration and Claims: Representatives Smith, Gallegly, Bono, Jenkins, Bryant, Watt, Lofgren, and Wexler.

Ex officio present: Representatives Burton and Waxman.

Staff present from the Subcommittee on National Security, International Affairs, and Criminal Justice: Robert Charles, staff director and chief counsel; Jim Wilon, defense counsel; Andrew Richardson, profesional staff member; Ianthe Saylor, clerk; Phil Barnett, minority chief counsel; and Michael Yeager and Mark Stephenson, minority professional staff members.

Staff present from the Subcommittee on Immigration and Claims: Cordia Strom, chief counsel; Edward Grant, and George Fishman, counsels; Judy Knott, staff assistant; and Martina Hone, minority counsel.

Mr. HASTERT. Good morning, and thank you for coming. The Subcommittee on National Security, International Affairs, and Criminal Justice, sitting jointly with the Subcommittee on Immigration and Claims, will now come to order.

Today, we are holding the first of two hearings into a problem of enormous importance to every American citizen. After 7 months of investigation, these two subcommittees are here to publicly examine what I can only describe as acts of shocking indifference and incompetence by an agency of the American Government, acts

which are particularly disturbing because of the consequences that they have delivered upon the American people.

Specifically, we are going to examine a program called Citizenship USA, a program which was heavily pushed by the White House, and which took shape roughly 1 year before the 1996 elections, and was run by the Immigration and Naturalization Service, hereby referred to as the INS.

On paper, Citizenship USA was intended to reduce the backlog of requests for U.S. citizenship. That aim was laudable. The program, however, was, in a word, hijacked. In 1995 and 1996, the INS began to vigorously solicit new applications. A massive drive to naturalize roughly four times the number of applicants ever before naturalized in a single year began.

As we have learned from the past hearings of the National Security Subcommittee and from many courageous confidential informants, basic requirements of citizenship, such as English and civics testing, were relaxed.

Regulations that have long protected the sanctity of U.S. citizenship, regulations of all kinds, were waived. Most tragically, the longstanding law and requirement that every potential citizen be subject to an FBI background check apparently fell by the wayside.

Today, we do not focus on the why of these failings, although there will no doubt be discussion of motivation. We will instead focus on the what. That is, we want to know exactly what has happened.

What we will examine, in particular is the question, what happened that allowed thousands of felony criminals to be naturalized in a mad rush up to the 1996 election? What happened that permitted 180,000 applicants to be naturalized without background checks at all?

How do we get to a point where the Attorney General of the United States can tell us that, if we must denaturalize thousands of felons, she is committed to do so? How would we even do that, given the legal protections which attach to citizenship, once it is granted? We should never, as a Nation, have been put in this position. As the Assistant Attorney General himself has said, this state of affairs could fairly be described as a national disaster.

Before we move to the testimony and facts of our distinguished witnesses, I want to pause for one more thought. Today's hearing involves something almost as precious as life and liberty itself. It involves the gift and the privilege of U.S. citizenship.

The naturalization process has long been sacred to Americans, and rightly so. Those among us who have friends and relatives who were naturalized, or who ourselves are naturalized, know the sanctity of this gift.

I can only think of a janitor in a high school I once taught in, who became a naturalized citizen, and it was the proudest moment of his life.

Citizenship is something that every naturalized citizen is proud of and so are their families and their friends. When the process is tainted by misdeeds of this kind, it cheapens the process and endangers the honor of every one of us. It also inflicts a wound upon our identity as a Nation. So the record is clear, let me say this as clearly as I can. We are a Nation that does value good moral char-

acter, and we do value the behavior of law-abiding citizens. We have long taken pride in our naturalization process, and in ourselves as a Nation of immigrants.

It is therefore with profound concern but also with grave sadness that we have come to this problem publicly. We must confront it, and find out who is accountable, hold them accountable, and find a way as swiftly as possible to fairly and efficiently fix it.

I would like to move on at this point, and let our witnesses lay out the details, and defend their behavior. I would like to note, however, that the FBI and the Department of Justice have been exemplary in their support of this investigation.

I would like to make a closing point on procedure. This investigation is of the highest integrity. For the past several months, we have seen on the one side of the public discussion the U.S. Congress, the Department of Justice, the Inspector General, the Office of Public Integrity, the General Accounting Office, and the private firm brought in by Justice to corroborate Congress' findings. On the other side, arguing that the problem is not a big one, that it is not their fault, and it has somehow been fixed, and should not be given more public attention, is the INS.

I think today is the beginning of the public awareness of what exactly has happened. I certainly thank you all for coming.

By agreement with the minority members, we will have openings by the two Chairs and the two ranking members. Then the 5-minute rule for panels 1 and 2 followed by a 30-minute block of time to each of the sides, and we will proceed from there.

So without any further adieu, I would now like to recognize the ranking member, Mr. Barrett of Wisconsin, for his opening statement.

Mr. BARRETT. Thank you, Mr. Chairman.

Today's hearing will focus on the Immigration and Naturalization Service's Citizenship USA program. Clearly, there have been significant problems in the naturalization procedures and internal controls used by INS during the program.

Naturalization law is quite explicit. Only qualified applicants should be granted citizenship. If persons with disqualifying criminal records were granted citizenship, then that is a problem, a serious problem that we need to investigate very seriously by discovering its causes and ensuring that it never happens again.

I am concerned, however, about the approach apparently being taken by some toward the INS' problems. There appears to be an attempt by some to blame the breakdown in INS' procedures on political interference.

I want to review the facts. They paint a very different picture than some in the majority would wish to paint. In reviewing these facts, I will make reference to several documents, and I ask unanimous consent that they be included in the record.

Mr. HASTERT. I will take it under advisement. I would like to look at the documents first.

Mr. BARRETT. First, it is essential to understand that problems with the naturalization process and criminal background checks are longstanding and well documented. An audit by an independent Inspector General of the Department of Justice in 1989 showed that of the cases reviewed that close to 50 percent in 1986 and 100

percent in 1989 showed no evidence that background investigations and fingerprint checks were conducted.

In other words, the problem of failure to complete criminal background investigations apparently existed as far back as the Reagan and Bush administrations.

The main cause of these problems seems to have been a 15-year-old policy first implemented in 1982 by the Reagan administration. Under this policy, INS assumed that if it had not heard back from the FBI within 60 days, that the applicant did not have a criminal record. The FBI would actually inform INS of the results of their checks only if the applicant had a record.

Let me quote from the Acting Commissioner of the INS to the FBI in 1982. "Therefore, effective immediately, all adjustment of status, asylum, and naturalization fingerprint cards submitted by the Immigration and Naturalization Service which are searched against our criminal file with negative results will be destroyed rather than returned to the INS. This procedure will apply to both legible and illegible fingerprint cards."

The second important fact is that there was a surge of applications for citizenship. During the 1990's, the average number of applications for naturalization was about 300,000. That number began to rise dramatically in 1995. By 1996, INS had 1.3 million applications. This year, INS is expected to receive 1.8 million applications.

There are two main reasons for this increase. First, as a result of the amnesty granted under the 1986 Immigration and Reform Act, many immigrants began to become eligible in 1994 for citizenship.

Second, there was a growing concern in the immigrant community about the continued availability of benefits for aliens, sparked by the passage of Proposition 187 in California and the heated congressional debates.

As a result of the sharp increase in applications, a backlog of over 1 million cases developed, and processing delays of 2 to 4 years became common. The delays caused growing dissatisfaction, as they rightly should have. Delays in naturalization of this magnitude are unacceptable in a democratic society. The inadequate procedures combined with the surge in applications was a recipe for disaster.

The third important point is that there was bipartisan support for processing more applications and decreasing application delays. This was not just an administration policy. In November 1995, INS requested a reprogramming of funds to relieve the growing backlog by increasing staffing and other resources.

In his January 16, 1996 response, Chairman Rogers states, "I further understand that with these additional resources INS intends to reduce backlogs in naturalization and status applicants, so that by midsummer eligible persons will become citizens within 6 months after applying. I am pleased that the INS is recognizing the significant workload, and addressing it in this reprogramming." Members of Congress from both sides of the aisle were well aware of this backlog, and strongly supported INS' efforts to reduce processing times.

In summary, Mr. Chairman, the INS had a serious problem long before Citizenship USA ever began. The dramatic increase in applications which began in 1995 created a backlog of over 1 million cases and unacceptably long processing delays of 2 to 4 years in some cases.

Faced with growing public outrage and bipartisan congressional concern, Citizenship USA attempted to meet its goal of processing 1.3 million applications by the end of fiscal year 1996. The result of this string of events will be discussed today. Our job is to correct them where we can, and more importantly, to make sure they are not repeated.

Thank you.

[The prepared statement of Hon. Thomas M. Barrett follows:]

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
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Opening Statement -- Hon. Thomas M. Barrett
Ranking Democrat -- Subcommittee on National Security, International Affairs and Criminal Justice

March 5, 1997

Thank you, Mr. Chairman.

Today's hearing will focus on the Immigration and Naturalization Service's Citizenship USA Program. I want to state at the outset that there have been significant problems in the naturalization procedures and internal controls used by INS during the program. Naturalization law is quite explicit. Only qualified applicants should be granted citizenship. If persons with disqualifyig criminal records were granted citizenship, that is a problem. A problem we need to investigate very seriously by discovering its causes and ensuring that it never happens again. I am concerned, however, about the approach apparently being taken by some towards the INS's problems. There appears to be an attempt to blame the breakdown in INS's procedures on political interference. This conclusion is premature. It is a partisan accusation - not the product of careful investigation.

I want to review the facts as we know them. They paint a very different picture than some in the majority wish to paint. In reviewing these facts, I will make reference to several documents, and I ask unanimous consent that they be included in the record.

First, it is essential to understand that problems with the naturalization process and criminal background checks are longstanding and well documented. An audit by the independent Inspector General of the Department of Justice in 1989 showed that of the cases reviewed, close to 50% in 1986 and 100% in 1989 "showed no evidence that background investigations and finger print checks were conducted. In other words, the problem of failure to complete criminal background investigations apparently existed as far back as the Reagan and Bush Administrations.

The main cause of these problems seems to have been a 15 year old policy first implemented in 1982 by the Reagan Administration. Under this policy, INS assumed that if it had not heard back from the FBI within 60 days, the applicant did not have a criminal record. The FBI would actively inform INS of the results of their checks only if the applicant had a record. Let me quote from the acting Commissioner of INS to the FBI in 1982, "Therefore, effective immediately, all adjustment of status, asylum, and naturalization fingerprint cards submitted by the Immigration and Naturalization Service (INS), which are searched against our Criminal File with negative results, will be destroyed rather than returned to the INS. This procedure will apply to

both legible and illegible fingerprint cards."

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The third important point is that there was bipartisan support for processing more applications and decreasing applications delays. This wasn't just an Administration policy. In November of 1995, INS requested a reprogramming of funds to relieve this growing backlog by increasing staffing and other resources. In his January 16, 1996 response, Chairman Rogers states "I further understand that with these additional resources INS intends to reduce backlogs in naturalization and status applications so that by midsummer, eligible persons will become citizens within 6 months after applying. ... I am pleased that the INS is recognizing this significant workload and addressing it in this reprogramming. Members of Congress from both sides of the aisle were well aware of this backlog and strongly supported INS' efforts to reduce processing times.

In summary Mr. Chairman, the INS had serious problems long before Citizenship USA ever began. The dramatic increase in applications which began in 1995 created a backlog of over one million cases and unacceptably long processing delays of two to four years in some cases. Faced with growing public outrage and bipartisan Congressional concern, Citizenship USA attempted to meet its goals of processing 1.3 million applications by the end of FY 1996. The result of this string of events will be discussed today. Our job is to correct them where we can and, more importantly, to make sure they are not repeated.

Mr. HASTERT. At this time, I would like to recognize the chairman of the Subcommittee on Immigration and Claims, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

I would like to thank Chairman Hastert for co-chairing this hearing and for the real service that he and his staff of the Subcommittee on National Security, International Affairs, and Criminal Justice have performed by investigating the allegations against the administration's policies and practices on naturalization.

In the waning months of the 104th Congress, when this investigation began, the Subcommittee on Immigration and Claims that I chair was occupied with negotiating the final conference report and securing the passage of the Illegal Immigration Reform and Immigrant Responsibility Act. While we provided assistance to the investigation, we could not be full partners.

However, from this day forward, our oar is in the water.

I also look forward to consideration of any statutory changes that may be necessary to ensure that the events that we examine today never occur again.

Citizenship is the greatest honor this country can bestow. No award, medal, or commendation surpasses the simple dignity conferred when a former alien gains the privilege to say: "I am a citizen of the United States."

This privilege is sought by millions of people around the world. It encompasses the right to travel freely, to hold almost any public office, and to petition for the immigration of relatives. Most importantly, it empowers the new citizen with the right and responsibility to vote and actually shape the future of our Nation.

Among the many difficult challenges faced by the INS, none is more important than making sure that this honor is bestowed only on those who deserve it.

Citizenship USA was the administration's initiative to promote naturalization and to process new applications. We are here today because, despite assurances to the contrary, more than 180,000 aliens were naturalized without having received complete background checks, resulting in the naturalization of substantial numbers of criminal aliens.

We are here because, despite early warning signals, the INS failed to secure the integrity of the naturalization system before undertaking the naturalization of more than a million new citizens in a single year.

As stated in yesterday's Washington Post, "The failings of Citizenship USA have triggered one of the most damning indictments ever leveled at the Immigration Service, that it has cheapened U.S. citizenship."

The failures of Citizenship USA are an insult to the hard-working and law-abiding immigrants who truly earned this honor. It sullies them and cheapens their achievement. These failures also legitimize the residency of criminals in our community and endanger public safety.

There is nothing wrong with encouraging naturalization, or urging newly naturalized citizens to vote. There is everything wrong with overlooking criminal background checks, naturalizing criminals, endangering public safety, and then concealing the extent of the problem.

The hearing today is about management. It is about accountability, which means responding to problems and taking responsibility for failures as well as successes.

INS management now has at least three strikes against it when it comes to accountability and responsiveness to Congress. First, the very problems that created the failures of Citizenship USA were identified in a report by the Department of Justice Inspector General on February 9, 1994.

The lost fingerprint cards, the failure to resubmit rejected fingerprint cards, the erroneous assumption that no news from the FBI meant good news regarding an applicant's moral character, all of that and more is detailed in the Inspector General's report.

In another report 10 months later, the General Accounting Office found that these problems had not been addressed. The GAO also made specific recommendations, and the INS agreed to implement them. Had they been implemented, we would not be here today.

Second, in a matter probed in our hearing last week, INS officials intentionally misled a congressional delegation at Miami International Airport and at the Crone Detention Center in Miami. Many of the same officials then failed to cooperate with the investigation of the Inspector General. Either mismanagement or negligence accounted for these incidents.

Third, when the allegations concerning Citizenship USA were raised before last year's election, we heard denials and evasions, but little truth and no acceptance of responsibility.

A memo sent to the Senate by Commissioner Meissner on October 18th, stated that only a few dozen individuals out of the 1.3 million applicants had been wrongly naturalized. Top INS officials appeared before Congress and were quoted in the media denying allegations regarding the mishandling of fingerprint checks.

But shortly after the election, the story changed. Now the INS' own figures confirm that the problem was much worse than previously admitted. Thanks to Citizenship USA, criminal aliens were rewarded and not deported.

This situation once again demonstrates the lack of management responsibility and accountability at the INS. The conditioned response to signs of trouble is to deny, to minimize, to deflect blame.

Congress literally has had to extract the truth regarding Citizenship USA. I pledge that we will use the same oversight authority to instill a culture of responsibility and accountability at an agency that holds the key to the greatest honor that this Nation can bestow, that of citizenship.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Lamar Smith follows:]

OPENING STATEMENT

CHAIRMAN LAMAR SMITH
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS
COMMITTEE ON THE JUDICIARY

OVERSIGHT HEARING ON "CITIZENSHIP USA"
MARCH 5, 1997

Good morning. I want to thank Chairman Hastert for co-chairing this hearing and for the real service that he and the staff of the Subcommittee on National Security, International Affairs, and Criminal Justice have performed by investigating the allegations against the Administration's policies and practices on naturalization.

In the waning months of the 104th Congress, when this investigation began, the Subcommittee on Immigration and Claims that I chair was occupied with negotiating the final Conference Report and securing the passage of the Illegal Immigration Reform and Immigrant Responsibility Act.

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This privilege is sought by millions of people around the world. It encompasses the right to travel freely, to hold virtually any public office, and to petition for the immigration of relatives. Most important, it empowers the new citizen with the right and responsibility to vote and thus to actively shape the future of the nation.

Among the many difficult challenges faced by the INS, none is more important than making sure that this honor is bestowed only on those who deserve it.

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As stated in yesterday's *Washington Post:* "The failings of . . . Citizenship USA have triggered one of the most damning indictments ever leveled at the immigration service: that it has cheapened U.S. citizenship."

The failures of Citizenship USA are an insult to the hard-working and law-abiding immigrants who have truly earned this honor. It sullies them and cheapens their achievement. These failures also legitimize the residence of criminals in our community and endanger public safety.

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In a report ten months later, the General Accounting Office found that these problems had not been addressed. The GAO also made specific recommendations and the INS agreed to implement them. Had they been implemented, we would not be here today.

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million applicants had been wrongly naturalized. Top INS officials appeared before Congress and were quoted in the media denying allegations regarding the mishandling of fingerprint checks.

But shortly after the election, the story changed. Now, the INS's own figures confirmed that the problem was much worse than previously admitted. Thanks to Citizenship USA, criminal aliens were rewarded, not deported.

This situation once again demonstrates the lack of management responsibility and accountability at the INS. The conditioned response to signs of trouble is to deny, to minimize, and to deflect blame. Congress literally has had to extract the truth regarding Citizenship USA. I pledge we will use the same oversight authority to instill a culture of responsibility and accountability at an agency that holds the key to the greatest honor this nation can bestow: citizenship.

Mr. HASTERT. I thank you, Chairman Smith.

I now recognize the Immigration Subcommittee ranking member, Mr. Watt, from North Carolina, for his opening statement.

Mr. WATT. Thank you, Mr. Chairman.

The last thing I want to do today is minimize the seriousness of the allegations that I hope we are here to investigate today. Additionally, I do not want to try to justify bureaucratic incompetence, indifference, or impropriety.

But I do want to put the matter in historical context, so that the media and the public can evaluate how much of what they see and hear today is political smoke engaged in mostly for political advantage, and how much of it is fire.

Let's look at the history. First, as a result of the Reagan administration's 1986 amnesty program, many immigrants became eligible for citizenship in 1994. In addition, the passage of Proposition 187 in California, which limited non-citizens access to public benefits, such as education, health care, and social services, led many immigrants to apply for citizenship.

Similarly, heated debate in the 104th Congress about the reduction or elimination of Federal benefits for non-citizens culminated in the passage of the immigration reform bill, and also convinced many immigrants to seek citizenship.

As a result of this sharp increase in citizenship applications, delays of 2 to 4 years in processing the applications became common, and a backlog of over 1 million cases developed.

To address this backlog, the INS began developing a naturalization project in March 1995. During that summer, the INS established a goal of returning to a standard 6-month naturalization process by eliminating backlogs. That is a desirable and honorable objective that they were trying to achieve.

The INS also identified the key districts to receive extra resources in order to achieve this goal. In August 1995, Commissioner Meissner announced the implementation of the Citizenship USA program, and INS embarked on the Citizenship USA program with bipartisan support.

Now let us take the politics out of this. No. 1, eliminating a backlog of over a million citizenship applications and reducing processing time to 6 months was a laudable goal of the INS.

Two, given the fact that the right to vote is one of the fundamental rights of citizenship, embarking on a program to naturalize all eligible residents prior to a national election was also appropriate.

The majority concedes that the Citizenship USA program may have begun with the appropriate goal of eliminating the backlog, but asserts that this goal eventually became a smoke screen for an inappropriate scheme to register 1 million new Democrats or pro-Clinton voters prior to the 1996 election.

Since no direct evidence exists to support the alleged improper political motivation, the majority resorts to circumstantial allegations based on the timing of the programs. It seems also based on the fact that many newly naturalized citizens are Hispanic, Asian, or other racial minorities.

The majority further asserts that the INS' resources were targeted toward heavily Democratic geographic areas. However, the five major cities that received the bulk of INS resources also hap-

pened to be responsible for 75 percent of the backlog, and focusing INS resources on these cities was a completely rational policy decision that is no different from the policy of focusing Federal law enforcement resources on the places where there is high crime, which the majority has vigorously supported.

Much is also made of the fact that voter registration was often conducted immediately after the new citizens' oath ceremonies. In many localities, nonpartisan voter registration efforts take place after the ceremonies. Since full participation in the electoral process is one of the most important rights of citizenship, immediate access to voter registration can hardly be criticized.

Claims that left-leaning community-based organizations dominated the registration process also have not been proven. However, as long as these groups are properly credentialed by the local officials of voting, and they do not unduly try to influence how people register, that also would be an appropriate objective as to whether they were right leaning or left leaning.

What about the most serious charge, the naturalization of criminals and felons? From the preliminary reviews, the INS has learned that between August 1995 and September 1996 that it received 1.3 million citizenship applications. In this same 13-month period, over 1 million individuals were naturalized.

By comparing these files to existing FBI billing records, it was determined that over 750,000 of these individuals had no FBI criminal history record and that 71,557 individuals have FBI records, which include not only misdemeanor or felony convictions, but also INS administrative actions, misdemeanor arrest, and felony arrest.

So what about this 71,557 people? The INS immediately focused its attention on these people. The rap sheets for these individuals have been requested by INS and have been sent to a special review team. It was determined that 10,800 of these individuals have been arrested for at least one felony.

But it is important to note that conviction of a felony does not automatically bar an individual from citizenship, unless it is murder or certain other aggravated assault. For every other felony, it must be determined whether the individual seeking citizenship meets statutorily defined residency and good moral character criteria.

To assess and determine whether the 10,800 felony arrest cases were eligible to be naturalized based on this statutory definition, the INS assembled a special review team.

Finally, we get down to a review of the 10,800 cases. The review team reviewed 9,573 of these cases and determined that 168 cases did not presumptively meet the statutory requirements. In these cases, the individuals would be able to rebut the presumption, for example providing evidence that a disqualifying felony was overturned on appeal.

Well, 168 felons is 168 felons and that is 168 too many—no ifs, ands, or buts about it. But 168 felons out of over 1 million applicants, well, I think that you begin to get the picture.

You can make your own evaluation whether this is as serious as some of my colleagues will assert, or whether some of this is just plain pure politics.

Mr. HASTERT. I thank the gentleman from North Carolina for his comments.

I would also like to recognize the Chair of the full committee, Chairman Dan Burton.

Do you have any comments?

Mr. BURTON. No, Mr. Chairman.

Mr. HASTERT. I also recognize the ranking member of the full committee, Mr. Waxman.

Mr. WAXMAN. Thank you very much, Mr. Chairman.

This hearing represents the best and the worst of congressional oversight. The committees are meeting to look at and draw attention to Federal programs with major problems. We are doing a real public service by focusing attention on how the INS grants citizenship. There are very serious problems in this program that need oversight and need repair.

The hearing is also an example, however, of political posturing. There have been assertions made that the INS problems were caused by political interference by the White House. The evidence before the subcommittee does not support these partisan claims. The problems at INS have existed in both Democrat and Republican administrations. They are national problems, not problems that should be exploited for political purposes.

Mr. Barrett and Mr. Watt both reviewed the historical record. This record shows that INS has had longstanding problems in ensuring criminal background checks were completed before citizenship was awarded.

This record also shows that a major reason so many immigrants were granted citizenship in 1996 was simply the fact that the number of applications for citizenship was dramatically up in that year.

The inadequate procedures at INS combined with the surge in applications was a recipe for mistakes. We should examine whether there has been any attempt by the White House or anybody else to exert political influence at the INS. But in my view, the facts as we know them today do not support making the Vice President, or the President, or the White House the scapegoat of the longstanding problems at INS.

I hope that this hearing will help us focus on the problem, and that we deal with that problem, and not try to posture simply for partisan political purposes.

Thank you for recognizing me.

Mr. HASTERT. I thank the gentleman.

In fairness to our witnesses, without objection, we will enter any other opening statements in the record.

Are there any objections?

[No response.]

Mr. HASTERT. So ordered.

Also, I will enter into the record the four documents submitted by Mr. Barrett of Wisconsin, without objection.

[No response.]

Mr. HASTERT. Without objection, so ordered.

[The information referred to follows:]

Attachments to Statement of Rep. Barrett

1. February 3, 1982, letter from Alan Nelson, Acting Director of the INS to Nick Stames, Assistant Director, Identification Division, FBI

2. Extract from the Special Audit of the Immigration and Naturalization Service, February, 1989 prepared by the Department of Justice Office of the Inspector General.

3. January 16, 1996, letter from Appropriation Subcommittee Chairman Rogers to AAG Colgate.

4. Extensions of remarks from June 20 and July 17, 1996.

February 3, 1982

Mr. Alan C. Nelson
Acting Commissioner
Immigration and Naturalization Service
Washington, D.C. 20536

Dear Commissioner Nelson:

Your letter of January 27th to Director William H. Webster has been referred to me for acknowledgement.

The FBI will implement the system improvements outlined in referenced letter. Therefore, effective immediately, all adjustment of status, asylum, and naturalization fingerprint cards submitted by the Immigration and Naturalization Service (INS), which are searched against our criminal file with negative results, will be destroyed rather than returned to INS. This procedure will apply to both legible and illegible fingerprint cards. With regard to fingerprint cards matching criminal records, the criminal record and fingerprint card will be returned to INS. This positive criminal information and all fingerprint cards relating to orphan cases will be sent directly to the district office of INS as shown in the contributor block of the fingerprint card.

With regard to your recommendation that both our agencies contact the Department of State about proposing legislation to eliminate the fingerprint requirement for immigrants who apply at consular posts abroad, the FBI believes that this is a matter to be resolved by the INS and the Department of State. If we can be of assistance by supplying your agency with statistics concerning these submissions, do not hesitate to contact me.

Sincerely,

Nick F. Stames
Assistant Director
Identification Division

MDM:rnp (4)

U.S. Department of Justice
Office of the Inspector General

Audit Report

Special Audit of the
Immigration and Naturalization Service

February 1989

89-09

Errors in Documentation - We found that 8.3 percent of 84 cases examined in two offices contained documentation errors. Documentation errors may result in aliens being improperly adjudicated.

No Evidence of Alien Background Investigations - INS' policy is to routinely conduct fingerprint and background checks on aliens who are petitioning to become permanent residents. Cases are then adjudicated within 60 days, after the background information and fingerprint cards are sent to the FBI, the CIA, and the Department of State, if no prejudicial information is uncovered.

In our 1986 audit of the adjudications process, we found that in the 349 cases reviewed, 163 disclosed no evidence of the required background investigations being conducted. In our current review, we examined 51 cases and found that virtually 100 percent of the cases also showed no evidence that background investigations and fingerprint checks were conducted. As a result, unfit persons may be allowed residency.

Adjudication Backlogs - Nationally, the backlog at the beginning of FY 1987 was 325,000 adjudications and by the end of FY 1988 the backlog had increased to over 408,000. During the same time period, the total applications received had only increased by 5,000 from 1.964 million to 1.969 million. Resources have increased by 50 positions, but the backlog has not been reduced. In FY 1990, INS is projecting a 1.5 million increase in adjudications due to processing of new aliens resulting from IRCA and it has requested $21 million and 412 additional positions.

MAJORITY MEMBERS
BOB LIVINGSTON, LOUISIANA, CHAIRMAN
[illegible]

MINORITY MEMBERS
[illegible]

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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515–6015

January 16, 1996

Stephen R. Colgate
Assistant Attorney General
for Administration
Department of Justice
Washington, DC 20530

Dear Mr. Colgate:

This is in response to your November 13, 1995 letter in which you propose a reprogramming of $86,382,000 from receipts available in the Immigration and Naturalization Service's (INS) Examination Fee (Exams Fee) Account to INS activities in order to keep pace with significant increases in naturalization and adjustment of status workload. I understand that this request includes:

- $52,351,000 and 149 workyears to employ 292 term/temporary employees and detail 110 officers and clerks to handle naturalization caseload/backlogs in Los Angeles, New York City, Miami, San Francisco and Chicago, and for additional costs associated with facilities, application fingerprint and name checks and the cost of naturalization ceremonies, and including $6,600,000 in contract support to monitor designated fingerprinting entities, testing entities and other service providers, and to increase community participation in the citizenship process;

- $22,975,000 and 121 workyears to employ 242 term/temporary employees, pay overtime expenses and extend the records services contract to handle adjustment of status caseload/backlogs in Los Angeles, New York City, San Francisco, Miami and Newark, and for additional costs associated with application fingerprint and name checks;

- $5,000,000 to support the purchase of automated data processing equipment to continue implementation of the Direct Mail program in the Service Centers;

- and $6,056,000 to support corresponding increases in rent and postage.

I also understand that of the $86 million requested, approximately $68 million is requested as a one-time reprogramming affecting fiscal year 1996 only and that there is no increase in permanent positions requested. I further understand that with these additional resources INS intends to reduce backlogs in naturalization and adjustment of status applications so that by mid-summer, eligible persons will become citizens within six months after applying, and adjustment of status cases will be adjudicated within four months.

In our response to the fiscal year 1995 reprogramming for the Exams Fee account, the Committee attempted to address its concern that the allocation of resources did not adequately address the incoming naturalization and adjustment of status workload in the INS district offices by adding personnel to these offices above the levels requested. I am pleased that the INS is recognizing this significant workload and addressing it in this reprogramming by hiring temporary employees to handle the processing of workload in the six cities that continue to have the largest volume of these applications. The Committee intends to continue its monitoring of the processing times of these applications and expects INS to continue to submit its monthly report outlining the pending caseload and average processing times of applications at the district offices and Service Centers.

The Committee has no objection to this proposal. We appreciate your keeping the Committee informed of changes in the Department of Justice.

Sincerely,

Hal Rogers

Harold Rogers, Chairman
Subcommittee on the Departments of
Commerce, Justice, and State, the
Judiciary, and Related Agencies

other bills left by the death of a loved one. People can not control when they die, but, unfortunately, their bills and expenses remain.

Why punish those who pay their taxes, serve our country, and are law-abiding citizens? We should be going after the people who evade our tax system and the convicted felons who continue to receive Social Security benefits while in prison—not those people who contribute to society. This law is unfair and absurd.

That is why I am introducing the Social Security Benefits Fairness Act of 1996. My bill will return fairness to the Social Security System. The bill would amend the Social Security Act, allowing benefits to be paid for the month of death. A surviving spouse or family estate would receive one-half of a month's benefits if a person dies within the first 15 days of a month and full benefits if a person dies after the 15th. Making this fair and fundamental change will ensure that a surviving spouse or family will have the Social Security check to cover the expenses for the last month of life.

Please join me in this effort and cosponsor the Social Security Benefits Fairness Act of 1996.

CITIZENSHIP U.S.A.

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of the Citizenship U.S.A. Program established by the Immigration and Naturalization Service.

Citizenship U.S.A. is the largest effort in the history of the Immigration and Naturalization Service to help eligible immigrants become U.S. citizens. This combined effort will allow the INS to be current with citizenship applications by the end of the summer. In order to achieve this goal, INS is focusing on updating three major components of the citizenship system—hiring of additional people, improving the process, and expanding INS's partnership with local officials and community organizations.

This program's necessity has been established by a dramatic rise of citizenship applications from an average of 300,000 annually before fiscal year 1994 to more than 1 million in fiscal year 1995, with more than 1 million additional applications expected for fiscal year 1996. The Miami district has been especially hard pressed, receiving nearly 107,000 N-400 applications in fiscal year 1995. This is easily a 174-percent increase over fiscal year 1994.

In order to meet the above challenge, INS has already approached several critical milestones as a result of this program. In February, INS opened the new Miami Citizenship Center. This serves as the new home for the entire Miami citizenship staff and is dedicated to the testing and interviewing of naturalization applicants. INS has also substantially increased its officer and clerical staff throughout the country, and has been able to extend its hours of operation significantly as a direct result. Citizenship U.S.A. has also contributed to completions of N-400 citizenship applications. As a result of this program, the Miami district completed 29,898 N-400 applications in the first 6 months of fiscal year 1996, more than the total number completed in all of fiscal year 1995. The Miami district expects to swear in an average of 24,000 new citizens each month during the peak period of this initiative.

I congratulate INS for this meritorious program.

LTC JAMES E. ROGERS ON HIS RECENT COMMAND APPOINTMENT

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. CHRYSLER Mr. Speaker, I rise today to commend LTC James E. Rogers on his appointment as the incoming commander of the U.S. Army's 82d Forward Support Battalion, 82d Airborne Division, stationed at Fort Bragg. LTC James Rogers has a long and distinguished military service record and has dedicated his life to protecting the freedom and liberty of our Nation.

Lieutenant Colonel Rogers was born and raised in Howell, MI, where his parents Joyce and John Rogers still reside and where he still serves as an example to hundreds of local youths in the community of what personal honor and leadership can achieve.

Lieutenant Colonel Rogers was commissioned in the Ordnance Corps on June 6, 1979, upon graduation from the U.S. Military Academy at West Point. Lieutenant Colonel Rogers was recommended for an appointment by my own former Congressman Bill Broomfield, and I only hope that I have the foresight he had in identifying the qualities needed for our future leaders.

Lieutenant Colonel Rogers military education includes Ordnance officer basic and advance courses, Combined Arms and Services Staff School, and the Army Command and General Staff College.

He has obtained further academic credentials in the course of his military service as well, earning a masters degree in industrial and operations engineering from the University of Michigan.

LTC James Rogers has served in several challenging assignments throughout the United States and Korea, ensuring that the military readiness of our troops is unmatched anywhere in the world. He has accelerated through the ranks and demonstrated an enormous capacity of responsibility and integrity as a military leader, earning him the respect of his superiors, his peers, and the men and women who serve under him.

He has earned personal awards and decorations that include the Meritorious Service Medal with three Oak Leave Clusters, Army Commendation Medal with Oak Leave Cluster, Army Achievement Medal, Senior Parachutist Badge, and the Air Assault Badge.

I have no doubt that in his newest assignment, Lieutenant Colonel Rogers will serve as an exemplary soldier, continuing the standard of excellence he has set for himself and living up to the 82d Forward Support Battalion's motto of Subsidium—Sine Qua Non, Support—Without Which There Is Nothing.

Congratulations to LTC James E. Rogers. Good luck to you, your wife Reba, and your two young children Jeffrey and Thomas.

JIM MASUCCI RETIRES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. FIELDS of Texas. Mr. Speaker, after 41 years with Capital Cities/ABC, and after 25 years at KTRK-TV in Houston—the last 6 years as president and general manager—Jim Masucci has decided its time to retire. I want to take a moment to salute Jim—both for his successful career in the television industry, but also for his outstanding record of community service.

Jim is not just a highly talented television executive. He is a friend with whom I've consulted on a number of telecommunications issues over the years. He is also a respected member of his community who has devoted his time and talents to a variety of civic programs that have touched the lives of tens of thousands of Houston-area residents.

Jim began his television career in 1956 as a member of the production staff of the original Capital Cities Communications station—WTEN-TV in Albany, NY. He later served as the station's director-producer, production manager and then programming director. While working at WTEN, Jim was responsible for producing 10 cerebral palsy telethons and received the George Washington Medal of Freedom for Excellence in Children's Programming.

In 1970, Jim moved to Houston to become operations manager at KTRK-TV, another Capital Cities Communications station. While serving as channel 13's operations manager, he produced the first televised Vince Lombardi Awards program, and was instrumental in the development of the televised Jefferson Awards ceremony. Jim also played a key role in developing "Good Morning Houston," one of the Nation's most-watched local talk shows.

That kind of success caught the attention of corporate management. In 1983, while still serving as operations manager of channel 13, Jim was named divisional vice president for Capital Cities. In 1986, Capital Cities acquired the ABC television network and became Capital Cities-ABC. Following that merger, Jim was named vice president of the broadcast division at Capital Cities-ABC.

But Mr. Speaker, it is Jim's record of community service that has made him one of the most respected broadcast executives in Texas.

In 1983, Jim helped create the Houston Crime Stoppers program, which aids the police in locating, and apprehending, suspects in unsolved crimes. Jim has served on the board of the Houston Crime Stoppers program—as well as on the board of the Houston's Area Urban League and the Houston Symphony.

Jim also has been recognized for a number of innovative community service efforts, including the Jefferson Awards, the Vince Lombardi Awards, the 1986 Texas Sesquicentennial celebration, the 1988 Challenger Center gala, and the 1990 Night of the Thousand Lights: A Houston Crackdown Celebration.

It was his work with the Houston Metropolitan Area Youth Soccer League that best illustrates the energy—and the success—that Jim brings to any project in which he's involved. Initially, organizers hoped that 1,500 inner-city youths would participate in the program. Due

(From the Washington Post, June 1, 1996)

ALREADY DELIVERING

(By Marvin Runyon)

Were the Postal Service a private company, it would be the ninth-largest business in the United States. It is bigger than Coca-Cola, Xerox and Eastman Kodak—combined. With more than 750,000 employees in all U.S. states and territories, the U.S. Postal Service is the largest civilian employer in the country—accounting for one out of every 170 U.S. paychecks. Last year, the Postal Service delivered 181 billion pieces of mail—more pieces in a day than Federal Express delivers in a year.

No doubt the complex and amazing U.S. Postal Service faces some serious challenges. But does anyone seriously believe that this calls for creating another government commission?

In their article of May 20 ["Delivery for the Postal Service," op-ed] four friends of the Postal Service—David Ginsburg, Murray Comarow, Robert L. Hardesty and David F. Harris—argue for just such a panel.

The fact is, the Postal Service can't wait for a commission. We've already begun to turn things around.

No tax dollars fill our coffers. And the real price of a stamp, when adjusted for inflation, is about the same today as it was in 1971. But today's Postal Service makes a profit. Last year, we earned $1.8 billion. So far, we're on track to earn between $700 million and $900 million in fiscal 1996.

In 1995 we set a record of 88 percent for on-time delivery. We expect to set a new record when new statistics are released next week. Moreover, we intend to raise our national on-time delivery average for local first-class mail to 92 percent by next year. By 2000, we are aiming for 95 percent or better, with similar improvements in other service categories.

We're also working to raise revenue and exploring the universe of technology. In the coming months, we will be launching hybrid mail services that combine the speed of computer messaging with the security and impact of the U.S. Mail. We'll also be introducing electronic money transfer services, international catalogue shopping, convenient new bill-paying methods and dozens of new services available at our 40,000 post offices.

And we're increasing service, not costs, by reengineering the way we deliver the mail. Last year, we launched a new blueprint for excellence called CustomerPerfect!, which is helping us examine how we deliver the mail every step along the way, from the back dock to the customer's mailbox. At the same time, we're working to reduce labor costs, which account for some 80 percent of our annual budget.

But more must be done. Legislative reform is needed to allow the Postal Service to keep pace with the communications business; for example, to offer business customers volume discounts and customized service contracts. We need the authority to test new products more easily and bring them to market more quickly. And we need changes that will bring labor negotiations back to the bargaining table so we can better control our costs.

The Postal Service doesn't need a commission. It needs to have the shackles of government regulation loosened so it can continue its commitment to excellence.

INS TO BE COMMENDED IN MIAMI

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. DIAZ-BALART. Mr. Speaker, the Immigration and Naturalization Service [INS], created by Congress over a hundred years ago—March 3, 1891—has been charged with the responsibility of providing services under the Immigration and Nationality Act, which among other things includes providing assistance to individuals seeking naturalization—the process by which eligible immigrants become U.S. citizens. Therefore, INS is appropriately involved in the citizenship process as an integral part and I believe that Commissioner Meissner has made significant progress in reducing the extensive processing backlogs for prospective new citizens as interest in naturalization has increased substantially during her term as commissioner.

Although I cannot speak for other portions of the country, in Miami INS has done a commendable job of moving applicants through the citizenship process expeditiously. As a part critic of INS's failure to process applications on a timely basis, I have been encouraged by the important headway INS has made in reducing the average time for completing an application.

Naturalization applications have severely outpaced the capacity of INS—from just over 200,000 in 1983 to over a million in 1955, and thousands of applications had been accumulating in Miami with a mere 22 personnel to process them. To respond to this unacceptable situation, using its own fee revenue, INS has added 158 naturalization personnel to the Miami District staff this year to handle the steadily increasing volume of citizenship applications. In the first half of this year, thanks to the additional staffing provided by Commissioner Meissner, the Miami district has been able to complete close to 30,000 N-400 applications—the standard naturalization form—which is over 1,000 more than the Miami district completed in the entire year for 1995. I have been pleased with this progress and commend Commissioner Meissner's hard work to ensure that naturalization is given the priority it merits.

Through its Citizenship USA project, INS is meeting on a monthly basis in Miami with local organizations to improve community outreach. Groups such as One Nation, the Catholic Legal Immigration Network Inc. [CLINIC], Dade County Schools and the Hispanic Coalition have worked with volunteers and local officials to help the INS facilitate its citizenship activities.

To be eligible for citizenship, an immigrant must be a legal permanent resident for at least 5 years—three if married to a U.S. citizen—exhibit good moral character and understanding of constitutional principles, demonstrate a knowledge of U.S. history/civics and basis English—unless exempted for age or disability—and must pay an application fee of $95 which funds the INS process of examining each case. Thus, naturalization is not an automatic step for every immigrant, and those individuals who have gone to the trouble and effort of playing by the rules and have demonstrated their dedication and desire to be a U.S. citizen deserve the opportunity to be processed on a timely, efficient basis by INS. Although there have been enormous backlogs in the past, I believe that Commissioner Meissner is taking important steps toward helping immigrants naturalize and take full advantage of citizenship in these great United States.

CITRUS TRISTEZA VIRUS

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. RIGGS. Mr. Speaker, northern California, with its benign temperature, is home to many agricultural products, including grapes, stone fruits, vegetables, and citrus. California has 275,000 acres in citrus groves. Roughly 30,000 to 35,000 people are employed in the citrus industry, which means entree revenues of $546.3 million for the State of California. However, if the brown citrus aphid intrudes into our groves, everything we worked so hard for will be lost.

The brown citrus aphid is the carrier for the citrus tristeza virus or CTV. CTV is a very destructive disease that has already killed over 40 million trees worldwide and is projected to destroy 180 million citrus trees on citrus tristeza virus-sensitive sour orange rootstock in the United States, Mexico, the Caribbean, and other parts of North America. If there is even one strain of the CTV in the rootstock, it will debilitate the trees and will produce extremely low quantities of fruit. If the quantity of citrus decreases, it means millions of dollars in revenue lost for the State of California.

My colleagues in Arizona, Florida, Louisiana, and Texas share California's understanding of the importance of the threat presented by the brown citrus aphid. If not controlled, the disease will escalate and will affect the U.S. citrus industry, possibly eliminating the United States as a major supplier of fresh fruit and juice concentrate in the world.

Congress has already made a commitment to fight the citrus tristeza virus in the fiscal year 1996 and fiscal year 1997 Agricultural appropriations bills with a $500,000 special research grant. However, I believe more needs to be done. The farm bill, passed earlier this year, created a $3 million cooperative national research initiative to control the citrus tristeza virus and the brown citrus aphid. The program would entail new research and develop technologies needed to manage the disease, provide environmentally and energy-efficient control measures, and reduce the economic losses due to the diseases caused by the CTV. Unfortunately it was not possible to fund the research initiative in this year's appropriations bill. However, if additional monies become available to the committee, I will work to ensure that the CTV research initiative is given strong consideration for funding.

AUNG SAN SUU KYI AND HER WORK IN BURMA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. ABERCROMBIE. Mr. Speaker, today there was a ceremony commemorating the

Ms. LOFGREN. Mr. Chairman, I would like to submit a statement.
Mr. HASTERT. So ordered.
[The prepared statement of Hon. Zoe Lofgren follows:]

Statement of Congresswoman Zoe Lofgren
before a joint hearing of the
Subcommittee on Immigration and Claims
and the Subcommittee on National Security,
International Affairs and Criminal Justice

March 5, 1997

Good morning. I would like to thank Commissioner Meissner, Assistant Attorney General Colgate and their colleagues for joining us today. I look forward to hearing your testimony on Citizenship USA. I also welcome my colleagues from the Government Reform Subcommittee on National Security, International Affairs and Criminal Justice.

As I think my colleagues know, I take a dim view of both inefficiency and fraud, and will not defend either on partisan or other grounds. I do have reservations about this hearing, however, and hope that it is not being driven by partisan politics. I urge my colleagues on both sides to use these oversight hearings as means to work with the INS to improve their efficiency and service to our nation's immigrants.

In my district, San Jose, California, naturalization petitions are backlogged at least 9 months even with the assistance of CUSA. Without this program, applicants would be waiting literally years for their applications to be processed. CUSA has helped, and I worry that we may throw out the baby with the bath water here.

In the next hour or so, there will be much discussion about possibilities and maybes. Partial data released by Mr. Colgate may be used to try to prove that either the INS was imperfect or that the White House perpetuated a huge conspiracy to enroll voters for the 1996 election. My question is why are we allowing ourselves to be drawn into a discussion of maybes? The final report of the audit is not due for several weeks. Why are we not waiting for facts to replace innuendo? It smacks of the petty partisanship that many of us are trying hard to avoid.

I am also dismayed by reports in yesterday morning's Washington Post that suggested the dissemination of confidential FBI files by Members of Congress. And that we are going to debate today the contents of a White House memo that was never sent. I know that my staff often draft something for me to edit as an easy means to gauge my opinion. Sometimes they are correct, and

sometimes they are dead wrong. I am sure that many of my colleagues have had similar experiences, and I'm sure that none of us would want to be judged on the basis of unsent memos drafted by staff.

On that note, I will end my comments. Commissioner Meissner and Assistant Attorney General Colgate, and all of the other witnesses, I look forward to hearing your testimony and I hope that we can resolve this issue and continue our mission to enhance the INS and our immigration process.

# # #

Mr. HASTERT. I would now like at this time to ask our first panel to come forward. From the Department of Justice, we have Mr. Stephen Colgate, the Assistant Attorney General for Administration; and Ms. Dawn Johnson, the Acting Assistant Attorney General for the Office of Legal Counsel. From Peat Marwick, we have Mr. Gary Ahrens. And from the GAO, we have Dr. Laurie Ekstrand.

If you would stand and raise your right hand. The committee rules require me to swear you in.

[Witnesses sworn.]

Mr. HASTERT. Please show in the record that the witnesses responded in the affirmative.

Thank you. Please proceed with your opening statements. We will begin with Mr. Colgate.

STATEMENTS OF STEPHEN COLGATE, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, DEPARTMENT OF JUSTICE, ACCOMPANIED BY DAWN JOHNSEN, ACTING ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL COUNSEL, DEPARTMENT OF JUSTICE; AND GARY AHRENS, KPMG PEAT MARWICK LLP; AND DR. LAURIE E. EKSTRAND, ASSOCIATE DIRECTOR FOR ADMINISTRATION OF JUSTICE ISSUES, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE

Mr. COLGATE. I am here today to discuss our efforts to assist the Immigration and Naturalization Service in its review of 1,049,872 naturalization cases that were approved between September 1995 and September 1996.

Accompanying me today are Ms. Dawn Johnsen, Acting Assistant Attorney General, Office of Legal Counsel; and Mr. Gary Ahrens, a partner of KPMG Peat Marwick.

Last fall, the Attorney General asked me to help INS respond to questions raised by your subcommittees and others concerning whether persons with disqualifying criminal records were improperly granted citizenship.

To assist INS in undertaking this massive and complex effort, and to avoid the questions being raised concerning its methodology, I recommended that an independent accounting firm review and certify the appropriateness of INS' revalidation process.

KPMG was subsequently tasked with this project. In addition, KPMG was also asked to conduct internal control implementation reviews in INS field sites to ensure that the more stringent controls INS developed last fall are in place and working.

I would like to describe for you the general process we are following as we work with INS on this issue.

During the 13-month period, INS naturalized 1,049,872 individuals. INS, with the aid of the FBI, is attempting to determine the number of these persons who had FBI records. This process has largely consisted of comparing FBI billing records with INS naturalization records. The following six categories have evolved.

There have been 752,073 persons who have been identified as having no FBI criminal history records.

There have been 71,557 persons who have been identified as having FBI records, which include INS administrative actions, misdemeanors, and felony arrests and convictions.

There have been 113,126 persons who have not had definitive criminal history checks conducted, because their fingerprint cards were rejected by the FBI because their poor quality rendered them unclassifiable.

For each person in this category, a subject search was done of the FBI criminal history data base using their name and other descriptive information. This type of search, while helpful in identifying some persons as having FBI records, it is not considered reliable for confirming that FBI records do not exist.

There were 66,398 persons for whom it cannot be determined whether or not FBI records checks were ever conducted.

There were 44,145 who were elders or minors. These were individuals who were either 75 years of age or older, or 14 years of age or younger, for whom INS policy, and this is a longstanding policy, does not require FBI records checks. INS policy notwithstanding, 445 of these individuals were fingerprinted and found to have FBI records. These 445 are included in the 71,557 previously mentioned.

There were 2,573 persons whose records checks were still being processed by the FBI at the time this data was produced.

These numbers were produced by INS on January 14, 1997. I have used them for this testimony because they are in my assessment the best we have at this moment. The INS and the FBI continue their attempts to match their data systems in order to properly characterize all cases, and minimize the number of cases for which we have insufficient information about the individuals' criminal history.

Therefore, and I cannot emphasize this strongly enough, these numbers will change, and in fact are changing as we speak, because the INS and the FBI continue to work on them. Their efforts will continue as long as we believe the data systems are capable of producing more information on these cases.

While our efforts to finalize the numbers continue, we have made significant progress in reviewing the cases involving individuals with FBI records. The FBI has produced approximately 71,000 rap sheets for these individuals. The rap sheets have been sent to the INS Northern Service Center in Lincoln, NE where they have been separated by INS, under KPMG's supervision, into three categories.

There are 34,700 individuals who have been arrested only for INS administrative violations. There are 25,500 individuals who have been arrested for at least one misdemeanor, but no felonies. Finally, 10,800 individuals have been arrested for at least one felony.

These numbers are approximate, because the case review process in Lincoln has not been designed to produce daily accounts. Furthermore, as I said previously, these numbers are likely to change as more cases involving persons with FBI records are identified.

So far, the focus of the case review in Lincoln has been on the 10,800 felony arrest cases. INS has assembled a Naturalization Review Team, consisting of skilled INS adjudicators, to review the case files, and independently determine whether the applicants were eligible to be naturalized based on statutorily defined residency and good moral character criteria.

KPMG, as the assurance provider, is providing quality control and validation during the entire review process. KPMG will validate and document the procedures used during the conduct of the review.

At the request of the Attorney General, the Department's Executive Office for Immigration Review is also assisting in this process by providing an independent validation of the decisions the NRT is making.

As of February 27, 1997, a total of 9,573 case files have been reviewed. The results of the review are as follows. In 6,605 cases, which represents 69 percent, the NRT adjudicators have found that the statutorily defined residency and good moral character criteria were met.

In 168 cases, which represents 2 percent, the NRT adjudicators found that the statutorily defined residency and good moral character criteria were presumptively not met. This category of cases has been deemed presumptively not met, because it is possible that an affected individual could produce documentation that could render the original decision as improper, such as evidence that an otherwise disqualifying felony conviction was overturned on appeal.

In 2,800 cases, which represents 29 percent, the NRT adjudicators found that they could not validate that the statutorily defined residency and good moral character criteria were met based on the information contained in the case files the NRT has in Lincoln.

This category of cases is problematic in that files must be returned to the appropriate INS field offices in order to gather necessary information and documentation, such as obtaining court-ordered disposition records on a felony arrest.

In addition, some of these cases contained no evidence of arrests for any statutorily disqualifying crimes, but they require further review regarding potential intentional misrepresentations by the applicants regarding other crimes. This effort could take months before we know whether the original decisions can be validated or not.

As we conclude the review of cases involving persons with felony arrests records, INS, with KPMG's oversight, will review a stratified random sample of the 1,049,872 naturalization cases approved during the period in question. This review is being conducted at the Department's direction in order to assess whether INS procedures were correctly followed throughout the naturalization adjudication process, not just limited to the process for checking an applicant's criminal history.

In addition to overseeing the case review process, the Department has also tasked KPMG to conduct an internal control implementation review in INS field offices.

On November 29, 1996, INS instituted new naturalization quality procedures covering seven key enhancements, including standardization of work process, fingerprint check integrity, enhanced supervisory review, instructions regarding temporary file use, implementation of a standardized quality assurance program, guidance regarding revocation proceedings, and requirements for increased monitoring of outside English and civics test sites.

To ensure that these procedures are being implemented correctly, KPMG is conducting implementation reviews at all four INS serv-

ice centers, each of the five major Citizenship USA sites, and 15 other district offices, all of which account for more than 90 percent of the naturalization workload. These reviews are also assessing whether adequate training has been provided to INS field personnel.

The last task that I want to talk about is that the Attorney General has asked JMD to conduct a procurement, and bringing in a firm to do a whole business process re-engineering of the naturalization process. We should announce the selection of that firm this week. We believe in looking forward, and it is critical that we go out and select a quality firm to take a look at the whole process. We will commence that shortly.

Mr. Chairman, and members of the committee, I am available to answer any of your questions. Thank you very much.

[The prepared statements of Mr. Colgate and Mr. Ahrens follow:]

STEPHEN R. COLGATE

ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

JUSTICE MANAGEMENT DIVISION

Messrs. Chairmen and Members of the Subcommittees:

I am pleased to appear before you today to discuss our efforts to assist the Immigration and Naturalization Service in its review of 1,049,872 naturalization cases that were approved between September 1995 and September 1996. Accompanying me today are Ms. Dawn Johnsen, Acting Assistant Attorney General, Office of Legal Counsel; Mr. David Martin, General Counsel, Immigration and Naturalization Service (INS); and Mr. Gary Ahrens, Partner, KPMG Peat Marwick LLP (KPMG).

Last Fall, the Attorney General asked me to help INS respond to questions raised by your Subcommittees and others concerning whether persons with disqualifying criminal records were improperly granted citizenship. I quickly developed an appreciation for the difficulties faced by INS in its efforts to revalidate naturalization case decisions made over the 13 month period in question. To assist INS in undertaking this massive and complex effort, and to avoid questions being raised concerning its methodology, I recommended that an independent accounting firm review and certify the appropriateness of INS' revalidation process. KPMG was subsequently tasked with this project. In addition, KPMG was also asked to conduct internal control implementation reviews in INS field sites to ensure that the more stringent controls INS developed last Fall are in place and working.

INS management and staff have been very cooperative in working with the Justice Management Division (JMD) and KPMG. I would like to describe for you the general process we are following as we work with INS on this issue.

During the 13 month period, INS naturalized 1,049,872 individuals. INS, with the aid of the Federal Bureau of Investigation (FBI), is attempting to determine the number of these persons that had FBI records. This process has largely consisted of comparing FBI billing records with INS naturalization records. The following six categories have evolved.

- 752,073 persons have been identified as having no FBI criminal history records.

- 71,557 persons have been identified as having FBI records which include INS administrative actions, misdemeanor and felony arrests and convictions.

- 113,126 persons have not had definitive criminal history checks conducted because their fingerprint cards were rejected by the FBI because their poor quality rendered them unclassifiable. For each person in this category, a subject search was done of the FBI criminal history database using their name and other descriptive information. This type of

search, while helpful in identifying some persons as having FBI records, is not considered reliable for confirming that FBI records do not exist.

- 66,398 persons for whom it cannot be determined whether or not FBI records checks were ever conducted.

- 44,145 were elders and minors (75 years of age and older, and 14 years of age and younger) for whom INS policy does not require FBI records checks. INS policy notwithstanding, 445 of these individuals were fingerprinted and found to have FBI records. These 445 are included in the 71,557 previously mentioned.

- 2,573 persons whose records checks were still being processed by the FBI at the time this data was produced.

These numbers were produced by INS on January 14, 1997. I have used them for this testimony because they are, in my assessment, the best we have at the moment. INS and FBI continue their attempts to match their data systems in order to properly categorize all the cases and minimize the number of cases for which we have insufficient information about the individuals' criminal history. Therefore, and I can't emphasize this strongly enough, these numbers will change and, in fact, are changing as we speak because INS and FBI continue to work on them. Their

efforts will continue as long as we believe the data systems are capable of producing more information on these cases.

While our efforts to finalize the numbers continue, we have made significant progress in reviewing the cases involving individuals with FBI records. The FBI has produced approximately 71,000 rap sheets for these individuals. These rap sheets have been sent to the INS Northern Service Center in Lincoln, Nebraska, where they have been separated by INS, under KPMG's supervision, into three categories:

- 34,700 individuals have been arrested only for INS administrative violations;
- 25,500 individuals have been arrested for at least one misdemeanor, but no felonies; and
- 10,800 individuals have been arrested for at least one felony.

These numbers are approximate because the case review process in Lincoln has not been designed to produce daily accounts. Furthermore, as I said previously, these numbers are likely to change as more cases involving persons with FBI records are identified.

So far, the focus of the case review in Lincoln has been on the 10,800 felony arrest cases. INS has assembled a Naturalization Review Team (NRT), consisting of skilled INS adjudicators, to review the case files and independently determine whether the applicants were eligible to be naturalized based on statutorily defined residency and good moral character criteria. KPMG, as the assurance provider, is providing quality control and validation during the entire review process. KPMG will validate and document the procedures used during the conduct of the review. At the request of the Attorney General, the Department's Executive Office for Immigration Review (EOIR) is also assisting in this process by providing an independent validation of the decisions the NRT is making. EOIR is working closely with KPMG in this regard. Mr. Ahrens can answer any questions you may have concerning the procedures being followed in Lincoln.

As of February 27, 1997, a total of 9,573 case files have been reviewed. The results of that review are as follows.

- In 6,605 cases (69 percent), the NRT adjudicators found that the statutorily defined residency and good moral character criteria were met.

- In 168 cases (two percent), the NRT adjudicators found that the statutorily defined residency and good moral character criteria were presumptively not met. This category of cases

has been deemed "presumptively not met" because it is possible that an affected individual could produce documentation that could render the original decision as proper, such as evidence that an otherwise disqualifying felony conviction was overturned on appeal.

- In 2,800 cases (29 percent), the NRT adjudicators found that they could not validate that the statutorily defined residency and good moral character criteria were met based on the information contained in the case files the NRT has in Lincoln. This category of cases is problematic in that the files must be returned to the appropriate INS field offices in order to gather necessary information and documentation, such as obtaining court disposition records on a felony arrest. In addition, some of these cases contain no evidence of arrests for any statutorily disqualifying crimes, but they require further review regarding potential intentional misrepresentations by the applicants regarding other crimes. This effort could take months before we know whether the original decisions can be validated or not.

As we conclude the review of cases involving persons with felony arrest records, INS, with KPMG's oversight, will review a stratified random sample of the 1,049,872 naturalization cases approved during the period in question. This review is being

conducted at the Department's direction in order to assess whether INS procedures were correctly followed throughout the naturalization adjudication process, not just limited to the process for checking an applicant's criminal history. Members of my staff, KPMG personnel and representatives from the General Accounting Office have met several times to discuss methodological and sampling issues to ensure that this particular case review effort will address your concerns as well as ours. A report on this review is intended to identify other process or systemic problems that INS and the Department need to address in this important program.

In addition to overseeing the case review process, the Department has also tasked KPMG to conduct an internal control implementation review in INS field offices. On November 29, 1996, INS instituted new Naturalization Quality Procedures covering seven key enhancements, including: 1) standardization of work process; 2) fingerprint check integrity; 3) enhanced supervisory review; 4) instructions regarding temporary file use; 5) implementation of a standardized quality assurance program; 6) guidance regarding revocation proceedings; and 7) requirements for increased monitoring of outside English and Civics test sites. To ensure that these new procedures are being implemented correctly, KPMG is conducting implementation reviews at all four INS service centers, each of the five major Citizenship USA sites and 15 other district offices, all of which account for more than

90 percent of the naturalization workload. These reviews are also assessing whether adequate training and guidance has been provided to field locations to provide assurance that naturalization cases are being adjudicated correctly.

A final task that KPMG will perform is an assessment of the policies and procedures related to obtaining applicant name and fingerprint checks to determine the impact of these policies and procedures on the naturalization process. As appropriate, KPMG will offer recommendations for improvement in this critical area.

Looking beyond the mistakes and failures of the past, the Department's next steps will focus on dramatically improving the naturalization program to ensure that it works efficiently and effectively. On November 27, 1996, the Attorney General directed me to initiate efforts to re-engineer the naturalization process.

As we envision it, a re-engineering project would look at all aspects of the naturalization process, from the initial contact by an applicant, through case adjudication and the swearing-in ceremony, to the retirement of case records. The goals of this project are to enhance the integrity of the naturalization program, streamline the process, reduce paperwork, and improve customer service. Specific topics to be covered include, but are not limited to, civics and language testing, interaction between INS and the FBI related to fingerprint checks, effective use of

technology, and required elements for a quality assurance program.

I recommended that this re-engineering effort be done in conjunction with a leading Business Process Re-engineering (BPR) consulting firm. Bids have been sought from six firms listed on the GSA Federal Supply Schedule for Quality Management Implementation Services, and a selection will be made soon. The design phase of the re-engineering project should take approximately six months, followed by a 15 month implementation phase, followed by a three month evaluation phase.

The contract for this project would be managed by JMD. The project would be a collaborative effort between INS, JMD and the consultant, taking into account recent process improvements and lessons learned over the past year.

It is critical to maintain the integrity of the naturalization process by providing reasonable assurance that all persons naturalized meet the legal and regulatory requirements. I believe that a re-engineering effort would achieve this goal, ensure that future naturalizations are fully documented, and continue the commitment that has already been made to reinvent and strengthen the naturalization process.

Messrs. Chairmen, this concludes my prepared statement. I would be pleased to answer any questions.

Statement of Gary M. Ahrens
on behalf of
KPMG Peat Marwick, LLP
before the
Committee on Government Reform and Oversight
Subcommittee on National Security, International Affairs and Criminal Justice
and the
Committee on the Judiciary
Subcommittee on Immigration and Claims
U.S. House of Representatives
March 5, 1997

Chairman Hastert, Chairman Smith, and members of both subcommittees, I am Gary Ahrens, a principal in KPMG Peat Marwick's Public Services practice based out of our Dayton, Ohio office. I am the firm's senior representative responsible for the Immigration and Naturalization Service (INS) review work underway at the Department of Justice. I appreciate the opportunity to appear before you today, and I am prepared to answer any questions you may have about the work that we are performing currently on this review project.

KPMG Peat Marwick LLP is one of the world's largest and most diversified professional firms, with more than 76,200 professionals in 136 countries and annual revenues in excess of $6 billion. KPMG's Public Services practice, where I am engaged, employs more than 14,500 people and operates in 90 geographic locations throughout the United States. The Public Services line of business is dedicated to serving the diverse needs of federal, state, and local governments.

From a more personal perspective, I have been with the firm for more than 12 years where I have developed considerable expertise in the areas of management improvement, business process reengineering, information systems, financial modeling, organizational analysis, and the development of financial and organizational policies and procedures. This expertise has led to extensive hands-on experience in various organizational and process improvement initiatives in both government and industry.

Because of the extensive level of experience that KPMG has throughout the public services sector, the Department of Justice has engaged our services under federal contract to perform the following tasks:

- Validate the total number of cases naturalized by the INS during the period of August 1995 and December 1996 and classify these cases based on date obtained from the Federal Bureau of Investigation (FBI);

- Develop and document a methodology to determine the number of cases required for review;
- Review and monitor the INS' audit of 100% of the cases involving a felony arrest and a statistical sampling of the estimated 1.1 million naturalization cases;
- Review and assess the new Naturalization Quality Procedures INS is currently implementing; and,
- Review the policy and procedures associated with the INS fingerprint process.

At this time, our review is in progress and on schedule. We expect our review to be completed by April 30, 1997 and a final report issued by May 31, 1997.

Again, I appreciate being able to appear before you today, and I will be happy to answer any of questions you may have about this review project.

Mr. HASTERT. Thank you, Mr. Colgate.

Ms. Johnsen and Mr. Ahrens, you are here for legal advice, and you do not have something to add to the record, is that correct?

Ms. JOHNSEN. That is correct.

Mr. HASTERT. Dr. Ekstrand, please give your testimony.

Dr. EKSTRAND. Mr. Chairman, with your permission, I will submit my written statement for the record and just provide a short oral statement now.

Mr. HASTERT. Fine. Thank you.

Dr. EKSTRAND. As you know and have just heard, Peat Marwick under contract to the Department of Justice has three distinct tasks in relation to determining the extent to which aliens were improperly naturalized.

These are first, supervision of a review by INS adjudicators of the current files of aliens with felony charges, to determine whether these files contain any information that would disqualify the alien from naturalization.

Second, supervision of a subsequent review by Immigration judges of a thousand of these felony and other naturalization cases to help substantiate INS' adjudicatory review.

Third, selection of a random sample of about 6,000 files from among those files of the 1.05 million who were naturalized during the time period to develop a broader picture of INS' procedural steps in its original adjudication.

Our role in assisting the subcommittees will be to review Peat Marwick's methodologies to carry out these tasks, and its plans to implement those methodologies. As the work progresses, we plan to provide comments to Peat Marwick, DOJ, and your subcommittees on an ongoing basis.

To this end, we have been meeting with your subcommittees to fully understand the most important questions you want to be addressed. We have also met with Peat Marwick's staff to discuss methodological and sampling issues. Next week, we will visit INS' Nebraska service center to observe the review of files of aliens with felony charges.

With regard to the sampling of the universe of cases, the third task, we will review Peat Marwick's sampling plans, and comment on the degree to which these plans correspond with the subcommittee's need for information. Specifically, we will comment on the extent to which these plans will provide information about two groups that are of interest to the subcommittee.

These groups are, first, the aliens whose fingerprint cards were rejected by the FBI because the cards were unclassifiable. That is about 113,000 aliens. Second, the aliens for whom the FBI said that it did not receive fingerprint cards for criminal history checks. That is about 66,000 aliens.

We have agreed to provide the subcommittee with our overall comments shortly after the completion of our review of Peat Marwick's work. To date, both DOJ and Peat Marwick have been very cooperative in response to our requests for information and receptive to our comments.

That concludes my oral statement. Of course, I would be happy to answer any questions.

[The prepared statement of Dr. Ekstrand follows:]

NATURALIZATION OF ALIENS: ASSESSMENT OF THE EXTENT TO WHICH ALIENS WERE IMPROPERLY NATURALIZED

SUMMARY OF STATEMENT BY
LAURIE E. EKSTRAND, ASSOCIATE DIRECTOR
ADMINISTRATION OF JUSTICE ISSUES
U.S. GENERAL ACCOUNTING OFFICE

Between September 1995 and September 1996, the Immigration and Naturalization Service (INS) received about 1.3 million naturalization applications; almost 1.05 million aliens were naturalized. During that period, INS initiated a number of efforts to streamline the naturalization process. While these efforts greatly increased the volume of applications processed and approved, the Department of Justice has identified errors in the naturalization process. Concerns have been raised that INS may have improperly naturalized aliens with felony convictions. For example, for about 180,000 aliens applying for naturalization, INS did not receive the results of a criminal history records check from the Federal Bureau of Investigation (FBI), even though aliens with criminal history records (e.g., certain felony convictions) may be barred from becoming naturalized citizens. This might have resulted in some aliens with criminal felony convictions improperly becoming naturalized citizens. Changes in the naturalization process to address this problem have since been made.

According to the Department of Justice, of the almost 1.05 million aliens who were naturalized between September 1995 and September 1996, two significant groups include (1) 71,557 aliens who had criminal history records with the FBI and (2) 179,524 aliens whose fingerprint cards were unclassifiable by the FBI or whose records for other reasons may not have been checked by the FBI for their criminal history.

The Department of Justice's Justice Management Division (JMD) and INS are reviewing records to determine the extent to which aliens were improperly naturalized. JMD has contracted with KPMG Peat Marwick LLP (Peat Marwick) to assist in overseeing this determination. Peat Marwick is to perform a number of tasks intended to assess INS' determination of the extent to which criminal aliens were erroneously naturalized. The Subcommittees have asked GAO to assess the soundness of Peat Marwick's methodologies for carrying out these tasks and its plans for implementing these methodologies.

Messrs. Chairmen and Members of the Subcommittees:

I am pleased to be here today to discuss our efforts to assist your Subcommittees in the determination of the extent to which the Immigration and Naturalization Service (INS) might have improperly naturalized aliens between September 1995 and September 1996.

Between September 1995 and September 1996, INS received about 1.3 million naturalization applications; almost 1.05 million aliens were naturalized. During that period, INS initiated a number of efforts to streamline the naturalization process. While these efforts greatly increased the volume of applications processed and approved, the Department of Justice (DOJ) has identified errors in the naturalization process. These errors might have resulted in some aliens with certain disqualifying criminal felony convictions improperly becoming naturalized citizens.

In November 1996, INS made changes in the naturalization process intended to address this problem. In addition, INS is reviewing records of a subset of the aliens who were naturalized during this period to determine the extent to which aliens were improperly naturalized. JMD has contracted with KPMG Peat Marwick LLP (Peat Marwick) to oversee this determination and to review INS' controls over the naturalization process.

At your request, we will review and comment on Peat Marwick's methodology and implementation plans for overseeing INS' review of the records of aliens with felony charges. My testimony today will discuss our plans in this regard and our progress to date. To prepare this statement, we reviewed prior GAO and DOJ Office of Inspector General (OIG) reports and obtained data from and interviewed DOJ, INS, and Peat Marwick officials in Washington, D.C. The DOJ OIG has told us that it also plans to closely monitor INS' naturalization project and may perform additional reviews as it deems appropriate.

BACKGROUND

INS requires that aliens applying for naturalization submit fingerprint cards with their applications. The fingerprint cards are to include a complete set of fingerprints and other identifying information, such as name and date of birth.[1] INS is to send each fingerprint card to the FBI to determine if an alien has a criminal history record on file.[2] Depending on the severity and timing of their felony convictions, aliens with criminal history records may be denied citizenship. Aliens applying for naturalization are to be scheduled for hearings

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[1]According to INS, this requirement applies to aliens between the ages of 14 and 75.

[2]INS charges a fee to process aliens' applications. Included in the fee is a charge by the FBI for checking its records for a possible criminal history of the alien.

after they submit their applications. According to INS officials, the hearing dates are generally to be set to allow adequate time for the FBI to complete criminal history checks and to return the results (for aliens with arrest records) to INS.

After INS accepts an alien's application, a clerk in an INS field unit is to separate the fingerprint card from the application and mail the card to the FBI. According to the FBI, it checks the fingerprint card (but not the fingerprints at this point) to determine if the alien's name, gender, and date of birth, as well as the name of the originating INS district office, have been completed. If any of the information is missing, the FBI is to reject the card and return it to the originating INS office, if known, with an explanation for the rejection. It is our understanding that the FBI does not record the receipt and return of rejected fingerprint cards. INS officials are to submit a new fingerprint card to the FBI if the original fingerprint card was rejected because of missing background information.

If the background information on the fingerprint card is complete, the FBI is to check the fingerprints against its criminal history database, which contains the names of over 30 million people. Under its previous procedures, if a match was found, the FBI was to mail a copy of the criminal history record and the fingerprint card to the originating INS office. Under INS' June 1996 procedures to centralize the receipt of FBI

criminal history checks, the FBI is now to send the results to INS' Nebraska Service Center, which is to provide the results to the originating office.

FBI officials said that, until recently, if the fingerprint check did not disclose any match, they--per INS' request--did not send any record back to INS. According to an INS official, under its policy, if a response was not received from the FBI within a given time period, its examiners were to construe that the FBI found no criminal background. The net result is that INS examiners did not have any positive means of determining the status of an FBI fingerprint check or telling why the files did not contain criminal history records. There were several possible reasons why files might not contain criminal history records: (1) the FBI did not find a match, (2) the matching process was still in progress, or (3) the match was not requested by INS or was lost.

The FBI is also to reject fingerprint cards if one or more of the prints are illegible and is to return the rejected cards to INS with an explanation of their rejection. If the fingerprints are illegible, the FBI says it will still run a name check comparing the alien's name and other identifying background information with the names in its criminal history database.[3] INS officials

[3]If through the name check an alien is found to have a criminal history, that information is to be sent to INS. However, although a name-based check is helpful, it is not as definitive as a

are to submit a new fingerprint card with a new set of fingerprints to the FBI if the fingerprints on the original card were rejected.

On November 29, 1996, INS issued instructions for how its employees are to implement revised naturalization procedures that are intended to enhance and monitor the quality of the naturalization process. Under the revised procedures, no naturalization cases are to be scheduled for interview or oath ceremony until a definitive response has been received from the FBI regarding the criminal history record search. The response should be that the alien either has or does not have a criminal history record. INS is working on several procedures intended to better ensure that all cases have cleared FBI processing and that INS officers have sufficient information to accurately adjudicate applications in relation to aliens' criminal histories.

PRIOR OIG AND GAO REPORTS

Prior DOJ OIG and GAO audit reports have identified problems related to the naturalization process. In February 1994, the DOJ OIG reported that INS did not verify that fingerprints submitted by applicants for naturalization and permanent residency actually

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fingerprint check.

belonged to the aliens who submitted them.[4] The report also pointed out that INS examiners had inappropriately approved some applications after assuming that applicants had no criminal history because no criminal history records were included in the aliens' files when they adjudicated the cases. The OIG report also found that INS frequently did not submit new sets of fingerprints to the FBI when the original sets of prints were rejected by the FBI as illegible.

In our December 1994 report, we also pointed out that INS examiners approved an alien's application after assuming, sometimes incorrectly, that criminal history checks had been completed when no record appeared in the alien's file.[5] Such an assumption could prove to be incorrect because the results of criminal history reports might have been delayed or not filed in a timely manner. We found that under INS' procedures at the time of our review, examiners could not determine whether FBI fingerprint checks had been completed because, at INS' request, the FBI returned a report only if a criminal history record was found. We pointed out that the assumption that the absence of a report meant there was no criminal history could be incorrect. According to INS district officials, without a control to ensure

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[4]U.S. Department of Justice Office of Inspector General, Alien Fingerprint Requirements in the Immigration and Naturalization Service (Feb. 16, 1994).

[5]INS Fingerprinting of Aliens: Efforts to Ensure Authenticity of Aliens' Fingerprints (GAO/GGD-95-40, Dec. 22, 1994).

that the FBI had completed a fingerprint check, aliens with criminal history records (e.g., certain felony convictions) had had their naturalization applications inappropriately approved.

DATA ON ALIENS NATURALIZED BETWEEN SEPTEMBER 1995 AND SEPTEMBER 1996

According to INS records, 1,049,872 aliens were naturalized between September 1995 and September 1996. On the basis of available DOJ data as of January 14, 1997, of those aliens:

-- 71,557 aliens had criminal history records with the FBI;[6]

-- 752,073 aliens had no criminal history records with the FBI;

-- 113,126 aliens' fingerprint cards were rejected by the FBI because the cards were unclassifiable;

-- 66,398 aliens' records were not documented as having been received by the FBI for criminal history checks;

-- 44,145 aliens were not between the ages of 14 and 75, and therefore were not required to submit fingerprint cards with their naturalization applications; and

[6]Included in the group of 71,557 aliens with criminal history records were 445 aliens not between the ages of 14 and 75, despite the fact that INS does not require criminal history checks for these individuals.

-- 2,573 aliens' records were still being reviewed by the FBI.[7]

Of the 71,557 aliens with criminal history records, INS' ongoing review, as of January 14, 1997, had identified about 10,800 as possibly having felony charges. This number could increase as INS continues its review of these records. The aliens with criminal history records who do not have felony charges may have been charged with or convicted of (1) misdemeanors or (2) administrative violations (e.g., working without authorization), neither of which would preclude them from becoming naturalized citizens.

PEAT MARWICK'S ACTIVITIES AND OUR ROLE

INS adjudicators, under the oversignt of Peat Marwick, are reviewing the current files of aliens with felony charges to determine whether these files contain any information that now would disqualify the aliens for naturalization.[8] According to JMD officials, under its contract with JMD, Peat Marwick is to perform a number of tasks. First, Peat Marwick designed the

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To develop these numbers of aliens, INS used its databases to identify all naturalized aliens for the period, and the FBI used its database of INS requests for possible criminal histories of aliens. The FBI and INS compared their respective databases to identify the above groups of aliens. As INS completes its review of the almost 1.05 million naturalized alien files and its database match with the FBI, the number may change.

[8]The review is being done at INS' Nebraska Service Center.

approach and implementation plan for INS' review of the files of the estimated 10,800 aliens with felony charges to determine whether they were properly naturalized. Second, Peat Marwick is to oversee a subsequent review by immigration judges of 1,000 of these felony and other naturalization cases to help substantiate INS' adjudicatory review. Third, Peat Marwick is to take a random sample of about 6,000 naturalized aliens from the almost 1.05 million naturalized to validate INS' review of the procedural steps it followed in its original adjudication. According to JMD officials, this will enable a determination of whether the naturalization requirements were applied consistent with the Immigration and Nationality Act and INS policies and procedures.

Our role in assisting your Subcommittees will be to review Peat Marwick's methodologies to carry out these tasks and its plans to implement these methodologies. As this work progresses, we plan to provide comments to Peat Marwick, DOJ, and your Subcommittees on an ongoing basis. To this end, we have been meeting with your Subcommittees to fully understand the most important questions you want to be addressed. We have also met with Peat Marwick staff to discuss methodological and sampling issues.

With regard to the sampling of the universe of cases, we will review Peat Marwick's sampling plans and comment on the degree to which those plans correspond to the Subcommittees' needs for

information. Specifically, we will review the sampling plan and comment on the extent to which it will provide information about two significant groups. These groups are (1) the aliens whose fingerprint cards were rejected by the FBI because the cards were unclassifiable (for example, illegible) and (2) the aliens for whom the FBI said it did not receive fingerprint cards from INS for criminal history checks.

On the basis of our work to date, Peat Marwick's methodology and implementation plans for the review of the records of naturalized aliens with felony charges appear to have the potential to produce useful data for the Subcommittees' oversight. We plan to visit INS' Nebraska Service Center to observe this work in progress. This visit will provide us with a snapshot of how this work is being implemented.

We have agreed to provide the Subcommittees with our overall comments shortly after the completion of our review of Peat Marwick's work, which is scheduled to be completed by early June 1997. To date, DOJ and Peat Marwick have been very cooperative in response to our requests for information and receptive to our comments.

AGENCY COMMENTS

We discussed a draft of this statement with DOJ and Peat Marwick officials. We incorporated their comments where appropriate.

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Messrs. Chairmen, this concludes my prepared statement. I would be pleased to answer any questions.

Mr. HASTERT. Thank you, Dr. Ekstrand.

Would you go over those numbers again; 166,000 applications were not accompanied by fingerprint cards, is that correct, is that what you said?

Ms. EKSTRAND. Well, we had 66,000 that there was no evidence that an FBI check was requested.

Mr. HASTERT. All right.

There were how many cards?

Ms. EKSTRAND. 113,000.

Mr. HASTERT. 113,000?

Ms. EKSTRAND. Yes, that were rejected as unclassifiable by the FBI.

Mr. HASTERT. So in that case, was there or was there not a check done?

Ms. EKSTRAND. Our understanding is that there was a name check done. But, of course, a name check is not as definitive as a fingerprint check.

Mr. HASTERT. There could be aliases and all types of things in that situation?

Ms. EKSTRAND. That is correct.

Mr. HASTERT. Dr. Ekstrand, I had asked Commissioner Meissner, who has been telling the American people that only 168 people with criminal records, felony records in this case, were incorrectly granted citizenship under the Citizenship USA program.

Is that a good estimate in your opinion?

Ms. EKSTRAND. Well, not enough work has been done yet to determine what a good estimate is. There has only been a look at and a decision made on about 6,600 of the 10,800 alien applications that have been identified to have a felony charge. So there are about 4,000 of that group alone still to go.

In addition to that, there are other groups of cases that will be very difficult to look at. One group is that 113,000 that did not have the fingerprint check. Another is the 66,000 that we know were not checked at all, or at least there is no evidence that they were checked at all.

But also within the 752,000, there could be felons who substituted someone else's fingerprints for their own, and therefore were not adequately checked.

Mr. HASTERT. Let me make sure that I understand this. It was said that there is a number of people, only 168 people, who were actually deemed persons out of the 6,000 who have been screened, who were not fit to be citizens.

Yet, there is a large number of people who have not had the ordinary submission of fingerprints, plus a large number of people not yet determined that have had a large number of fingerprints, because of shoddy workmanship or whatever on the fingerprints, that were not usable, is that correct?

Ms. EKSTRAND. Well, of the approximately 180,000 people who have been identified as either having an unclassifiable print or else no evidence that a check was requested at all, there is an unknown number of people who might have been disqualified because of a felony charge.

Mr. HASTERT. That is a different situation. The point I am trying to make is that it is a different situation.

Some of the referrals here, that we heard this morning, is if the FBI does not give a reply back in 60 days, they did not have the information to give replies back in this situation, is that correct?

Ms. EKSTRAND. Well, they might have gotten the fingerprint cards back, and had the opportunity to submit a new card with fresh fingerprints, or complete the top part, the biographical information on the card, and resubmit it. My understanding is that these would represent cards that were not resubmitted. Otherwise, they would have fallen into one of the other categories.

Mr. HASTERT. Is the Attorney General personally involved and concerned with what you have previously called a national disaster and a nightmare?

Ms. EKSTRAND. I am sorry, I do not really know the extent of her involvement.

Mr. HASTERT. Mr. Colgate, can you comment on that?

Mr. COLGATE. Yes. The Attorney General is briefed at least weekly by me on the status of this review. She takes this very seriously. Actually, in some cases, it is even more than weekly. When new information or new events come to my attention, I will immediately bring them to the Attorney General's attention.

Mr. HASTERT. Can you expand on the Attorney General's statement yesterday that she may reconsider an independent counsel request?

Mr. COLGATE. No, sir. I think that was in connection with campaign finance, I believe. I attended that appropriations hearing, and I am not qualified to expand on that, sir.

Mr. HASTERT. Has the Attorney General said that she would denaturalize thousands if necessary?

Mr. COLGATE. She will do whatever it takes to get this corrected. When we have completed our work, she will take whatever the necessary action is.

Mr. HASTERT. Ms. Johnsen, would you care to comment on that?

Ms. JOHNSEN. Only to say that the INS sets forth very specifically the circumstances under which someone can be denaturalized. As I understand, that includes people who have been convicted of aggravated felonies in some cases. The Supreme Court has emphasized that the terms and conditions set forth by Congress must be strictly complied with and where they are not, the person can be denaturalized.

Mr. COLGATE. Mr. Hastert, I just would want to add and assure the subcommittee that the Attorney General has given me a blank check as far as this review, to take it wherever it goes, to do whatever is necessary. She is taking it seriously, and she has given me absolutely whatever I have needed to undertake this assignment.

Mr. HASTERT. We appreciate the Attorney General's concern, and your good work.

I now recognize Mr. Barrett from Wisconsin.

Mr. BARRETT. Mr. Chairman, Congresswoman Lofgren has a markup going on. So I would pass at this time, and ask Mr. Watt to pass, so that she could use her time.

Mr. HASTERT. Without objection.

Ms. LOFGREN. Thank you very much.

I am concerned, frankly, about this hearing in some regards. Because I am aware of how sharply divided the country has become

among new citizens and people who had the good fortune to be born here. I think that it is important that at least one of us say that to the extent that facts, figures, and rhetoric may lead some to look askance at our newest Americans who are naturalized, that we should encourage American citizens not to do that.

I am one who has been to naturalization hearings, and I can recall really people raising their right hand to take the oath with tears streaming down their faces, how happy they were to be citizens of this country.

I think that it is important that we honor that and not allow any inquiry to tarnish that in our eyes, or in the eyes of anyone here in America.

Having said that, I think that to some extent, although we do need to review this whole situation, having this hearing today may be slightly premature.

Is it my understanding, Doctor, that the Peat Marwick report will be due on April 30th of this year, is that correct, do you know?

Ms. EKSTRAND. I understand from Mr. Ahrens that is correct.

Ms. LOFGREN. So we will have a lot more information when that report is submitted than we do at this time, just because you have not finished it yet, is that correct?

Mr. AHRENS. Yes.

Ms. LOFGREN. I would suggest, although certainly every member of either committee has a right and obligation to ask questions, that we ought to keep in mind that the facts are not yet in evidence and that we might want to defer the heavy questioning until after that report is received, and that we are dealing with facts and not maybes.

I would also like to talk to Mr. Colgate. As you know, from last week's hearing, that the issue of fingerprint delays is a serious one in the country.

I am wondering if you can address how big is the backlog in fingerprint clearances at the FBI right now, do you have a timeframe, how long does it take to get it done?

Mr. COLGATE. The last time I looked at these statistics, and I will provide for the record our most up to date information, we divide FBI backlogs into two categories, criminal, a backlog of criminal prints, and civil.

Ms. LOFGREN. On the civil side, what is the backlog?

Mr. COLGATE. My understanding of it, and I will give you the precise figures, the last time I looked at it, because this is something that we are tracking in the department, my understanding is that it is about a 45 day backlog.

Ms. LOFGREN. I am surprised to hear that. Because I have run into adoptive parents who are waiting 6 months or more to get their fingerprints cleared.

One of the things that I am eager to pursue in terms of making this better is to improve the way that we collect fingerprints and screen them for positive ID. Part of the problem that we have addressed here today is the issue of the smudge cards that cannot be readable.

I am wondering why the Department of Justice, and specifically the FBI, has not moved into the computer fingerprint charts that

are used in some local governments, for example, the city of San Jose, which are clean and more accurate.

Actually, we did a little analysis in local government, and found that it paid for itself very quickly, because of the personnel time not involved, and the accuracy rate, and the like.

Why have we not got remote terminals in immigration offices around the United States to avoid this problem?

Mr. COLGATE. As part of this whole process, the Attorney General has also asked me to chair a committee of both INS and FBI officials to look at this very issue. We believe that there can be improvements made both by the Immigration Service as well as the FBI.

I must say that I was very pleased with the response that I got from both the INS and the FBI just 2 weeks ago. In another 2 weeks, we are going to have our next meeting where we are going to lay out major milestones on how we are going to try to accomplish this, as well as an exchange between the parties to understand each other's work better.

Because we do want to build on both the work that INS has done as part of its IDENT system, and what the FBI has done as part of its IAFIS system, to see how we can one, improve and streamline the process, but actually improve the internal control mechanisms and the quality control issues that will benefit both the FBI and the INS. You raise a very good point, and we are moving on it aggressively.

Ms. LOFGREN. Prefacing the second question, my district in San Jose, CA is actually within the San Francisco office. And no one in the Bay area or I think anywhere on either side of the aisle around the country wants the INS to do anything less than to enforce the law as written.

However, I understand how awful it is to have these delays. Last fall, we had people camping out in front of the Federal Building all night long, in the hopes that they might be able to get in the door to submit an application. If you call the INS, you will get a busy signal for 8 hours. You cannot get through. Over 70 percent of the calls to my congressional office are INS related, because people are tearing their hair out. They cannot get information, and they cannot get responses. There is over a 9-month delay for naturalization right now, and getting worse rapidly.

With that background, how much may the INS or another Federal agency take advantage of the offer of help, money, resources, and the like from another level of government?

For example, the county of Santa Clara has offered to buy some cash registers so the office will have three instead of one, and people can actually get through the door, rather than waiting for 6 hours to turn in their $90 check. They have offered to do fingerprint charts with their computers for positive ID, and then hand off the criminal record check to the FBI.

Can the Justice Department accept that from another government?

Mr. COLGATE. As of October 1st, we have now received gift authority, and we are in the process of issuing our internal regulations in order to accept gifts. Anybody in the Department of Justice, if somebody has a better mouse trap, we want to hear about

it. I am a firm believer that many State and locals have a better mousetrap.

Ms. LOFGREN. Well, that is good to hear. Because yesterday, I met with the chair of the board of supervisors of the county. He was advised in his meeting with INS last week that all of those offers of help had been rejected.

Mr. COLGATE. I will followup on it.

Mr. HASTERT. I thank the gentlelady from California. If you would like to work with us, I will make sure that we have another hearing in April.

At this time, I would like to recognize Chairman Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Dr. Ekstrand, I have a number of questions about the 1994 GAO report. But before I get to those, I would like to take another look at the numbers that we are looking at today.

Mr. Colgate, let me direct my initial questions to you. But before I do that, let me try to simplify and paint the picture here. During the year in question, and I am rounding off these numbers, we are talking about a million individuals who were granted citizenship. Of those million individuals, about 250,000, one quarter of the total, were allowed to become citizens without the INS knowing for certain whether they were eligible to become citizens or not.

Let us look first at that 250,000 and within that 250,000, you have really three figures that are important. You have the 113,000 individuals, who had their fingerprint cards rejected, because they were smudged or for some other reason were not accepted by the FBI.

You have 66,000 individuals who did not have their fingerprints checked at all. Then you have the 71,000 individuals who had some kind of criminal background. I want to look at each of those three categories before we go on.

First of all, in regard to the 113,000 individuals who had their FBI cards returned, is it not likely, and I will start off with Mr. Colgate, is it not likely that a number of those individuals, and I am not asking you to predict how many, but is it not likely that a number of those individuals were ineligible to become citizens? If you are more comfortable with my asking Dr. Ekstrand that question, I will be happy to.

In other words, the number is not zero. A number of those individuals are likely to be ineligible without saying how many.

Mr. COLGATE. I just do not know how many of them will be.

Mr. SMITH. I will turn to Dr. Ekstrand. I know you cannot predict.

Mr. COLGATE. OK.

Mr. SMITH. Dr. Ekstrand, common sense would suggest that at least some of those individuals would be ineligible, is that right?

Ms. EKSTRAND. I think that it is likely, although a number would be.

Mr. SMITH. Likely is all I am looking for right now.

So of the 113,000, we have a number of individuals who are likely to be ineligible.

Of the 66,000, they did not receive any kind of fingerprint check at all, Dr. Ekstrand, is it not likely that a number of those individuals would be ineligible?

Ms. EKSTRAND. Again, it is likely.

Mr. SMITH. Now let me get to the 71,000 that had the criminal background checks, and return to Mr. Colgate.

Mr. Colgate, as I understand it, you have broken down those 71,000 with the criminal backgrounds into three categories.

The first category are 34,000 individuals, who have administrative violations, but we do not know for sure whether that would make them ineligible for citizenship, is that right?

Mr. COLGATE. That is correct. That is something that we are doing some additional research on.

Mr. SMITH. Dr. Ekstrand, is it not likely that some of those 34,000 would be ineligible?

Ms. EKSTRAND. That is a little bit more difficult, if they have been identified with specific administrative violations.

Mr. SMITH. Administrative would be, for instance, that they have a deportation order against then, which would make them ineligible for citizenship.

Ms. EKSTRAND. It is possible that there are some.

Mr. SMITH. Or even likely that some of those 34,000 would be ineligible for citizenship, is that right?

Ms. EKSTRAND. Yes.

Mr. SMITH. Then the next category of this 71,000 is the 25,000 who have at least one misdemeanor in their record. Now we know that that is a little bit of a subjective decision, which is to say that the individual reviewing that file has discretion, and there are guidelines. For instance, if you have five misdemeanor convictions in the last 5 years, you are not eligible to become a citizen. So it is also likely, and I will not prolong this, it is also likely that a number of the 25,000 are not eligible to become citizens.

That takes us to the last 10,000 who had convictions of at least one felony.

Mr. Colgate, as I understand it, there you have found that about 6,000 were eligible to become citizens, but there were about 3,000 who were either ineligible or whom you do not know one way or the other whether they were eligible to come citizens, is that correct?

Mr. COLGATE. It requires further review. We have to send it back to get information on dispositions and the like.

Mr. SMITH. My point here, and lets go back to Dr. Ekstrand, is that there is absolutely no basis for thinking that the extent of the problem is limited to a few hundred people.

In fact, there is every reason to believe that the problem probably involves thousands and not hundreds, based on the common sense deductions that we have just gone through, and the likely number of individuals in all of those categories, who are possible or likely to become ineligible, would you agree with that?

Ms. EKSTRAND. Well, it is likely that the final number will be higher.

Mr. SMITH. Likely is all I am looking for. Because when you add up the likelies in all of these categories, you get into thousands and not hundreds.

Again, I do not want anybody to be misled today, and that is why I have taken the time to look at these figures. That the problem is far more extensive than might be implied when we talk about

very low numbers. The problem, common sense would tell us, as you just said, is likely to be a lot higher, in the thousands.

Let me make a final point here. Regardless of what the numbers, whether it is 1,000, or 10,000, or 30,000, what to me is just as inexcusable is the fact that the INS did not know one way or the other whether one-quarter of the people naturalized were eligible or not.

It does not matter what the numbers are. That is either a sign of mismanagement, or it is a sign of negligence, neither of which is acceptable.

Dr. Ekstrand, let me turn to some of my questions about the 1994 GAO report. The GAO issued a report to Congress in 1994, which of course is now over 2 years old, about INS fingerprinting of aliens.

That report was in response to the Inspector General's report, and both reports were critical of the INS conduct in handling the alien fingerprints.

Is it not true that many of the same areas of criticism that the GAO noted in 1994 are the exact same areas that we are concerned about here today?

Ms. EKSTRAND. That is the case.

Mr. SMITH. One of the Inspector General's critical findings was that the INS did not know in every case that the fingerprints being submitted actually belonged to the alien, is that correct?

Ms. EKSTRAND. That is correct.

Mr. SMITH. Now that goes to the 750,000?

Ms. EKSTRAND. That is correct.

Mr. SMITH. That the INS has said are eligible, but in fact those 750,000 might not be eligible, because we do not know for a fact where those fingerprints fit the individual, is that accurate?

Ms. EKSTRAND. That is correct, yes.

Mr. SMITH. Another problem is that the INS failed to timely send fingerprint cards to the FBI.

That problem was true in 1994, and it is true today, is it not?

Ms. EKSTRAND. I cannot speak for today, but it could have been true during the time period that we are talking about.

Mr. SMITH. 1994, and it is true of the year in question?

Ms. EKSTRAND. We do not have any evidence that the problem was fixed.

Mr. SMITH. What?

Ms. EKSTRAND. We do not have any evidence that delays in sending the cards to the FBI was fixed during the time period that we are talking about today.

Mr. SMITH. I think Mr. Colgate has that. I know that we are talking about the 1994 GAO study on that.

Ten months after the IG's report, did the GAO not find that the INS had not timely submitted fingerprints, and that the INS was still not requiring resubmission of fingerprints that had been rejected?

Ms. EKSTRAND. That is correct, in the offices that we reviewed.

Mr. SMITH. Furthermore, the INS permitted adjudication to go forward if the application had been on file for 60 days, even if the INS itself had filed to timely submit those fingerprints to the FBI.

As a result, did not the GAO also conclude that aliens with criminal histories were in fact approved for naturalization?

Ms. EKSTRAND. We concluded that. But actually, that was based on the IG evidence.

Mr. SMITH. But that was your conclusion?

Ms. EKSTRAND. Yes.

Mr. SMITH. The GAO makes several recommendations. First, that the INS monitor its—I see that my time is up, Mr. Chairman. I will complete with this question.

The GAO made several recommendations. That the INS monitor its districts more closely to ensure that the fingerprints were submitted on a timely basis. That new fingerprint cards be submitted in cases where cards had been rejected by the FBI. And that the INS obtain the results of all fingerprint checks, and make the results available to adjudicators before hearings.

Your report reflects that the INS agreed with these findings, and that the INS said that they would implement these findings.

Did the INS implement those findings?

Ms. EKSTRAND. Well, I am afraid that the information that we are talking about today, the 113,000 and the 66,000, seems to indicate that at least some of the problems were not solved.

Mr. SMITH. So you are not aware of any specific steps that the INS took before the summer of 1996 to implement the recommendations that you made?

Ms. EKSTRAND. No, I am not aware of any.

Mr. SMITH. Thank you, Dr. Ekstrand.

Thank you, Mr. Chairman.

Mr. HASTERT. Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman.

Dr. Ekstrand, in 1982, Nick Epstein, the Assistant Director of the Identification Division, wrote a letter to Alan Nelson, the Acting Commissioner of the Immigration and Naturalization Service, dated February 3, 1982, and talked about the 60-day presumption.

Are you familiar with that letter; are you familiar with that policy?

Ms. EKSTRAND. I have heard it discussed. I have not specifically seen the letter.

Mr. BARRETT. What is your understanding of that policy?

Ms. EKSTRAND. Well, just that. That there is a presumption at the end of 60 days, if no reply has been received, that in fact the results were negative.

Mr. BARRETT. That was a policy that was in effect, I understand, through September of last year. So, for basically a 14-year period.

During that period, is it possible that there were people who were granted citizenship, even though they should not have been, because the 60-day presumption test was not met; in other words, the INS did not receive information prior to 60 days?

Ms. EKSTRAND. Well, it is possible, and in fact that is what the IG concluded in their February 1994 report.

Mr. BARRETT. That report covered what period?

Ms. EKSTRAND. I believe that the data was from 1992 and 1993.

Mr. BARRETT. Could you talk a little bit about the earlier analysis? There was an analysis done, I understand, in 1986, of fingerprints that were submitted.

What do you know about that?

Ms. EKSTRAND. I am sorry, I have very little information on that.

Mr. BARRETT. Are you aware that in 1989 that an analysis was done that showed that maybe in 100 percent of the cases that the FBI did not receive fingerprints?

Ms. EKSTRAND. I have heard that discussed. I have not seen the analysis itself.

Mr. BARRETT. Do you know whether this problem on a percentage basis has become more severe, or were there problems during this whole decade?

Ms. EKSTRAND. I think that there is no way to tell really whether there has been a change in the severity of the problem.

Mr. BARRETT. What is your gut feeling?

Ms. EKSTRAND. I do not know. Do we have more felons today than we had 10 years ago?

Mr. BARRETT. I think as a percentage of applications, you would be able to at least have a guesstimate as to whether it is a more serious problem. Clearly, we all know that the number of people who are applying for citizenship has risen dramatically over this period. What I am trying to determine is whether the problem has gotten more serious in the numbers.

I agree with those who have spoken earlier, that even if you have one or two people who have slipped through the cracks, and become citizens who should not be, that is a serious problem.

What I am trying to uncover, and maybe you can help me with your GAO report, or the report that you have been involved with, is whether the problem has gotten more serious, or if it is just a reflection of a larger number of applicants?

Ms. EKSTRAND. Well, it seems that the internal control issue that caused the problem has remained the same. It did not get fixed.

Now in terms of whether it is a bigger problem now, even if the number of disqualifying felons who are applicants, if that percentage remained the same cross the time period, but the gross number of applicants for naturalization went up, you know, then that proportion would go up as well.

Mr. BARRETT. If you were to give us one recommendation, as we look to the future, as to how to make sure that this does not happen again, what would be your recommendation?

Ms. EKSTRAND. Well, I think that what INS is now trying to do, with a 100 percent policy of having the information in the record at the time the person is approved for naturalization, is the right way to go.

Mr. BARRETT. Again, I look at the information that we have received that showed that in 1986 that this was not done under President Reagan, and in 1989 that this was not being done under President Bush.

So it seems to me that now for the first time in over a decade that we are doing it the way that you think it should be done, is that correct?

Ms. EKSTRAND. Well, it seems like this is a step toward removing the problem.

Mr. BARRETT. Mr. Colgate, are you familiar with the 1989 analysis that showed that there were problems at that time?

Mr. COLGATE. I am familiar with the IG's 1994 report.

Mr. BARRETT. If you were going to make a recommendation to us as to what should be done in the future to make sure that this does not occur again, what recommendation would you make?

Mr. COLGATE. I would agree with the General Accounting Office. I think that procedures that we implemented on November 29, 1996, where we require an absolute documentation in a file that this criminal history check had been done and the results are posted, is the type of thing that is absolutely necessary, as well as the other policy change that took effect, to my understanding, on March 1, 1997, where we have set up certain certified individuals in order to take the fingerprints, are key internal control mechanisms that I think are just absolutely necessary. I applaud the Service for doing it.

Mr. BARRETT. I would like to turn now to the number of people, and the figure we have heard is the 168 people.

Those are people who have not met the presumptive criteria, is that correct, Mr. Colgate?

Mr. COLGATE. I am sorry.

Mr. BARRETT. The figure we have heard is 168 people.

Mr. COLGATE. Are you talking about the 113,000?

Mr. BARRETT. No, the 168 felons.

Mr. COLGATE. Oh, I am sorry. I am sorry.

Mr. BARRETT. There are a lot of numbers here today. I understand.

Mr. COLGATE. I am sorry. I usually think of millions and billions.

Mr. BARRETT. OK.

Mr. COLGATE. The 168, we view those as presumptively ineligible.

Mr. BARRETT. They would possibly even be able to meet the criteria themselves, would they not?

Mr. COLGATE. Yes. They will be turned over to the Service. The individual could bring in documentation that we currently do not have in the A files that would clear up the issue.

Mr. BARRETT. So it is possible that the number is even lower than 168?

Mr. COLGATE. The one thing I want to say to everybody is that I do not speculate. We are basically dealing with a snapshot here. I have given the committee the figures as of February 27, 1997. I have learned in this process that the numbers have changed over time. I do not want to mislead anybody.

Mr. BARRETT. I appreciate that.

But it is legally possible to be less than 168, because legally they could provide the information?

Mr. COLGATE. That is correct. This is my understanding.

Mr. BARRETT. Thank you.

Mr. HASTERT. Just in passing on this question, I would like to interject on this.

Either Dr. Ekstrand or Mr. Colgate, it has been said that in 1986 and in 1990 that there are possibilities that there were people without these background checks.

Do we know that the INS brought people who had felony records, or were not eligible, and granted them citizenship, is that something that we know?

Ms. EKSTRAND. I do not have personal knowledge of that. I have heard that there are these reports, but I have not seen them myself. We would be glad to review them, and provide your staff with information.

Mr. HASTERT. Mr. Colgate.

Mr. COLGATE. I think that from a systemic standpoint that internal control weaknesses in not being able to positively identify the person who provided the card, as well as an exception reporting system, is a systemic weakness that would allow certain individuals to gain a benefit that they were not eligible for.

Mr. HASTERT. Was there any time that felons were naturalized in the past?

Mr. COLGATE. I cannot give you personal knowledge. I was just speaking from a systemic standpoint.

Mr. HASTERT. Thank you.

Mr. Jenkins, do you have any questions?

Mr. JENKINS. Mr. Chairman, I do not have any questions at this time.

Mr. HASTERT. I would then pass to Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Mr. Colgate, back to these figures here. You have 71,557 being identified as having FBI records which include INS administrative actions, misdemeanor and felony arrests and convictions, is that correct?

Mr. COLGATE. That is correct.

Mr. MICA. Do you have a breakdown of those by felony or by administrative actions, or can you give me some estimate?

Mr. COLGATE. Yes, sir, I can give you an estimate. Of the 71,000 FBI IDENTs, 34,700 were administrative violations; 25,500 were misdemeanors; and 10,800 were felonies.

Mr. MICA. So we have that category of 10,800 felons?

Mr. COLGATE. It would be felony arrests.

Mr. MICA. Was that group naturalized or rejected?

Mr. COLGATE. That comparison, that 71,000, is within the subset of 1,049,872 that were naturalized.

Mr. MICA. So 10,800 felons were naturalized that we know of?

Mr. COLGATE. The 10,800 represents individuals with felony arrests.

Mr. MICA. They were naturalized?

Mr. COLGATE. That is correct.

Mr. MICA. We had 113,126 that we really did not conduct complete fingerprint checks on, is that correct? I am just reading your testimony.

Mr. COLGATE. There were 113,126 where we had not completed it.

Mr. MICA. So we would not know how many really had felony records, would we?

Mr. COLGATE. There was a name check that does give you a barometer or indicator, but it is not a complete criminal history check. Only the fingerprint can give you the level of specificity that we need.

Mr. MICA. You have another 66,398 for whom it cannot be determined whether there was even a check of the FBI records. Again, this is your testimony submitted to this subcommittee.

Let me ask you a question. In September, I participated in a hearing on this subject. We had an individual by the name of Louis Crocetti, who is going to be a witness here. He testified in September that the number was 60 for the entire naturalization program that he felt might have some criminal background or some problem that got naturalized.

How would his testimony compare with what you found? How could anyone come before a committee of Congress and tell us that it was 60 for the entire naturalization program that had some problem, do you think that is a little bit off base?

Mr. COLGATE. I think that it was probably made before the benefit of this review that we are conducting.

Mr. MICA. Let me ask you too. As I understand it, there is a history in the past of denaturalizing folks or taking back their citizenship, if they gained citizenship. In the past, that has been limited to about 12 or 15 folks say on an annualized basis. We could be dealing with thousands of people who fraudulently obtained their citizenship.

What are we going to do in this case, would anyone like to respond, is there any kind of program to go back and look at these folks, or are we just going to ignore it and let it go?

Mr. COLGATE. We will pursue it. It is my understanding, and I am not a lawyer, that we now have an administrative revocation process that will assist the Department as far as dealing with these individuals that we did not have before.

Mr. MICA. I have a question for the gentleman from Peat Marwick. It is a little bit unrelated to this. But the Government Reform and Oversight Committee dealt with the White House office firings. It is my understanding that Peat Marwick changed its findings in some of their review there, because of pressure from the White House.

Has Peat Marwick instituted any safeguards to make sure that this does not happen in the future, what is happening with your review process?

Mr. AHRENS. I was not a part of the engagement that you are referring to. However, I can assure you that all work that we are currently doing with respect to the review for Justice is being done in conjunction with GAO yellow book standards for audit and review.

Mr. MICA. The Department of Justice again, let me go back to this. It is my understanding that the IG and the Department of Justice is looking to expand the Citizenship America program.

Is that correct, is that on the agenda now, are you aware of that?

Mr. COLGATE. You are talking about the Inspector General, sir?

Mr. MICA. Yes.

Mr. HASTERT. The Inspector General is a full partner in this process with unfettered access as GAO, and they are expanding certain aspects of their review.

Mr. MICA. Of the review.

But what about the program itself, do we know if INS has plans to expand this Citizenship America, a speed up of the naturalization process?

Mr. COLGATE. I am sorry, you prefaced it. At first, I thought you said the IG. I am sorry.

Mr. MICA. All right.

Mr. COLGATE. I think that the Immigration Service is trying to deal with the ever increasing level of workload. It is my understanding that they are looking at, for fiscal year 1997, about 1.8 million people who are requesting this benefit.

Mr. HASTERT. I thank the gentleman for his testimony.

Mr. MICA. Excuse me, Mr. Chairman. Could he repeat that?

Did you say for fiscal year 1997–1998, you are looking at 1.8 million?

Mr. COLGATE. That is my understanding of the projected workload, sir.

Mr. MICA. Thank you, Mr. Chairman.

Mr. HASTERT. I thank the gentleman.

Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

Mr. Colgate, my chairman, Mr. Smith, who has left, asked a series of "is it not likely" questions, and I want to go in a slightly different tack. Because I practiced law for 22 years before I came to this body. So if my questions sound a little bit more factual rather than speculative, I hope you will respond to them.

First of all, is it not a fact that you are a career employee rather than a political appointee?

Mr. COLGATE. That is correct.

Mr. WATT. Is it not a fact that you started your analysis with 1,049,872 naturalizations during the relevant review period?

Mr. COLGATE. Those are the statistics as of January 14th.

Mr. WATT. Is it not a fact that of the 1,049,872 reviews that you have made, that you have found that 168 of those are presumptively ineligible because of felony convictions?

Mr. COLGATE. I would like to say that the 168 is a subset of the 9,573 reviews that we have completed regarding felony arrests.

Mr. WATT. Is it not a fact that as of February 27, 1997, that the only ones that you have determined that are presumptively ineligible out of this whole population is 168?

Mr. COLGATE. That is all that we have found to date.

Mr. WATT. Is it not a fact also that of that 168, that some of them may also be eligible for citizenship despite their felony convictions?

Mr. COLGATE. That is correct. They require further review, and the individual may be able to produce documentation that was not contained in the file. This review is based on the review of the file material that we have presently.

Mr. WATT. Is it not finally also a fact that Peat Marwick is supposed to complete its review and give us some more factual information about these other people, that Mr. Smith has asked you to speculate about under his "is it not likely questions," by March 30, 1997?

Mr. COLGATE. April 30th.

Mr. WATT. April 30, 1997.

Mr. COLGATE. This is work in progress.

Mr. WATT. But based on what we have got right now, the only thing that we have been able to identify is 168 presumptive ineligible felons out of over 1 million applications, that is based on what we have right now?

Mr. COLGATE. Based on the review as of February 27, 1997.

Mr. WATT. Mr. Chairman, I do not think that I have any further questions.

Mr. HASTERT. At this time, I would like to ask Ms. Ros-Lehtinen if she has questions.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

My own subcommittee is going to be meeting in just a few minutes, and I might not be here to listen to Commissioner Meissner's statement. So I want to make my own statement about the type of positive leadership that I believe that Doris Meissner has been providing to INS and to our country.

I believe that she has been doing an extremely good job in very difficult circumstances. She has been efficient, and she has been responsible. She has been straightforward and honest with our committee and with every committee with whom she has dealt.

We know that she takes her job seriously, and she takes her responsibilities seriously. I have never seen her shy away from her duties and her responsibilities. She acknowledges that mistakes have been made. She has been cleaning up the agency, and she has been cooperating in the review.

I think that the panelists that we heard today, no one there said that INS was not cooperating, that they are not willing to get to the bottom of this.

The chairman had pointed out that Janet Reno has been cooperating in this review, and so has Doris Meissner. She met with us as members of the Hispanic caucus when she first assumed this job, and she said that she wanted to put the "N" back in INS, the naturalization aspect of it.

Those of us who are naturalized Americans, as I am, and I have my certificate here, and I am very proud of this certificate. As Denny pointed out, he has been a fair chairman, Congressman Hastert, as well as Congressman Smith, they been very fair, to listen to my views. This certificate is very meaningful to me, as it is to every one of my constituents who are also naturalized Americans.

We were glad that INS said we are going to put the "N" back in our agency. I think that we are trying to throw the baby out with the bath water. Investigations are needed. We understand that reforms have to be in place. I think that INS starting from Doris Meissner down, they want to cooperate, and they want to clear up any mistakes.

Because any criminal scum bag, who has one of these naturalization certificates, that person should be prosecuted, and that person should be stripped of that certificate. Because any criminal who has this, it cheapens and it demeans the meaning of my certificate.

So I want to make sure that you do not misrepresent my remarks as being a person who believes that we do not need to review this problem, and that we do not have to rectify it. We do.

Let me tell you, in my district, there is not a month that goes by that people do not literally die trying to get this certificate. In the straits of Florida between Cuba and Miami, how many hundreds of bodies are there, people who wanted to come to this country, because of what this country stands for, freedom, democracy, and liberty.

So I want to make sure that this certificate continues to stand for those principles. I know that in my area of Miami, and that is the only area that I feel comfortable talking about, I do not think that Citizenship USA was soliciting applicants. Some people have used that word in part of the opening statements that were made. There was no solicitation needed in my area. We have hundreds and thousands of people who want to be naturalized Americans.

That the fraud has been a natural disaster, another phrase that was used here. Well, another disaster is having U.S. residents have to needlessly be twisting in the wind months, and months, and months, delaying needlessly this naturalization process of these very anxiety ridden individuals.

It is hard to become a U.S. citizen. Maybe some Members of Congress believe that you just go up, that it is like going to the supermarket and buying a dozen eggs. First of all, it costs $95. You may chuckle. That may not be much in your wallet. But for the residents that I represent, for those individuals, $95 is quite a financial commitment.

After paying that and filling out the form, which is not an easy form to fill out, for many of these individuals in my district, none of them have English as their native language. After doing that, they have to study for the exam.

Let me give you some of the questions that you have to answer correctly. How are Federal and State governments divided? If you watch Jay Leno, like I do, just 2 weeks ago, he went out on the street, and he asked 20 people to name the three branches of government. There was not one person who could give him the right answer.

These are people who were born in this country. What do the three branches of government do? What President was impeached? How many of you know that answer? By whom was the Declaration of Independence written? When was peace declared in World War I? Bill Clinton could not get this one. Whose words are "of the people, for the people, and by the people?"

Who wrote the Constitution of the United States? Where was the Constitution written and when? How is an amendment to the Constitution passed? How many amendments to the U.S. Constitution are there? What officers assist the President in the execution of laws? How many of you could answer those? How about this one, name the 13 original States?

Now imagine that you are 75 years old, and you have come from a different country, and you do not understand the English language well enough. You have been here 7 years and these are a few of how many questions that they have to study.

In my district, the classes are full of people who want to learn the English language. You cannot get into another class. The civics classes are full. They have a year waiting list. On top of this, they have to wait, and wait, and wait for the naturalization process.

I believe that everyone should have their criminal background carefully screened. But I think that now INS is going to be so cautious, so extremely cautious and nervous about this process, that they are in a paralysis.

In my congressional district, we have not had one naturalization ceremony in October, in November, in December, in January, in

February. In March, how many are scheduled? None. No one has been able to become a naturalized American in my congressional district.

Now do you think that is fair? They are going from one extreme to the other. These investigations are needed, and these congressional hearings. I am all for them.

I have nothing but praise for Congressmen Hastert and Smith for the way that they have been handling them. But I want this committee to understand the kind of effect that they are having on the naturalization process.

My constituents want to be naturalized, and are perfectly willing to be screened. They are anxiously studying their exam questions. They are ready, willing, and able. Please, if you want to help this process along, why do you not help INS streamline the process, and help people to become naturalized Americans.

Not everyone who is applying for citizenship is a criminal. As we have just heard from the previous questions, that out of the 930,000 people who were screened in one way or another by the FBI for criminal backgrounds, how many were there that were found to be criminal? I believe that the answer is something like 168.

So it is a problem, as we understand it? Dorothy Meissner understands it. She is cooperating. But let us understand that also we need to make sure that naturalization is a process that is going to work for all of us.

Mr. HASTERT. I think you bring up some good questions. I thank you.

Ms. ROS-LEHTINEN. Thank you, Denny.

Mr. HASTERT. You know, we did naturalize a lot of people on September 30th. I think that is a good question, why have we not done any since September 30th? I appreciate that.

Now I would like to turn to the gentleman from Texas, Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

Mr. Colgate, I know that in your efforts to review the numbers, the group that you chose to begin with was the group that had at least one felony, is that correct?

Mr. COLGATE. One felony arrest.

Mr. TURNER. I take it that group that you sought to begin your review with is actually on its face the group or the category that would likely have the highest number of ineligible applicants, because you are talking about felons, is that correct?

Mr. COLGATE. That was our assumption.

Mr. TURNER. In that group thus far, you have found 168. I believe you earlier mentioned that you looked at about 6,000 of the 10,000 in the category of one convicted, having at least one felony, is that correct?

Mr. COLGATE. Actually, we have looked at 9,573 of the approximately 10,800 felony arrests.

Mr. TURNER. All right.

So in the category of the worst of the worst, you have found 168?

Mr. COLGATE. As of February 27th.

Mr. TURNER. I was just doing a little calculation, and I know that you have probably not gone through this. But my figures would re-

veal that if all of the other categories that you mentioned, that is the group where fingerprints were deficient, and the group where there were no fingerprints, if it turned out that all of those numbers there also had the approximate same number of individuals with at least one felony, that you would end up, when you looked at the total number that you might discover had some problem with them and would have been ineligible, that it would represent less than one half of 1 percent of the total 1 million who were granted citizenship.

Now to say that there were mistakes made in one half of 1 percent of the applicants, of course, is only half of the story. Because, as has been mentioned on numerous occasions, by other Members here today, even one mistake is too many.

The question that I have for you, and I hope that you can shed some light on it, is why is it that through three successive Presidential administrations, that we have had tremendous backlogs of applicants for citizenship, and even today that backlog continues to rise?

It seems to me that it is our obligation as Members of Congress and the obligation of the INS to be sure that we do not have a backlog. That if the law allows individuals to be eligible for citizenship under the law, that we should proceed with diligence to be sure that that citizenship is granted.

In your view of this matter, what has been your determination as to why we continue to carry such a tremendous backlog of applicants, creating situations were efforts are made to eliminate the backlog and in the process some mistakes are made, why do we have a backlog?

Mr. COLGATE. It is my understanding that the backlog that we are now faced with is the result of the asylum period in the mid to late 1980's, as well as such things as welfare reform and Proposition 187, where individuals because of those initiatives are now seeking this benefit in record numbers.

Mr. TURNER. Is it not apparent then that we need better staffing at INS to be sure that we are able to allow that agency to comply with the law, and to review the applicants in a timely fashion?

Mr. COLGATE. Sir, my view as a public administrator, especially in light of the fact that this program is a fee funded program, it is important that we be responsive. When you are dealing with situations of 18 months to receive a lawful benefit, that is a public administration program that is not working correctly.

I am a firm believer that we need proper internal controls. But I do find it problematic that when somebody pays a fee for a government benefit that they are entitled to, that it takes them over 18 months to receive that.

Mr. TURNER. Thank you.

Thank you, Mr. Chairman.

Mr. HASTERT. I would recognize Mr. Bono.

Mr. BONO. Thank you, Mr. Chairman.

Mr. Colgate, I just want to recap this. The numbers that you have given us have all been reviewed by your office, is that correct?

Mr. COLGATE. It is a cooperative review between the Immigration Service and the FBI. This is our latest snapshot as of January 14th. We are still refining it further, sir.

Mr. BONO. So the determinations that you have given us as far as 168 criminals, that is rock solid, that is in granite now, that we now know that no more than 168 felons have entered this country on that program, is that correct?

Mr. COLGATE. No.

Mr. BONO. It is not correct?

Mr. COLGATE. That is a snapshot as of February 27th.

Mr. BONO. Then why are we talking about it like it is an axiom? Everybody is throwing these numbers around as factual, as I understand.

They are not factual?

Mr. COLGATE. Well, the review had produced 168 individuals who have a presumptive ineligibility.

Mr. BONO. I understand all of that. All I want to determine is whether these are facts or are they not facts? I hear facts, and I hear reviews, and I hear further reviews. So I do not understand when we say that something is factual when the process has not been completed.

Mr. COLGATE. The process has not been completed. This is a snapshot of where we are.

Mr. BONO. Then we have a snapshot, the facts are actually a snapshot at this point?

Mr. COLGATE. That is correct.

Mr. BONO. OK. Who takes the fingerprints, who takes the fingerprints for the INS?

Mr. COLGATE. It is my understanding that those fingerprints—are you talking about this review period?

Mr. BONO. Yes. Evidently, the fingerprints are taken and supplied to the FBI, is that right?

Mr. COLGATE. It is my understanding that it is the individual responsibility of the applicant.

Mr. BONO. The applicant takes his own fingerprints?

Mr. COLGATE. They would go to a facility that would have the capability to take those prints for them. As of March 1st, as far as dealing with the internal control issue identified earlier, the individuals have to have those prints taken from an eligible, certified facility. That is my understanding.

Mr. BONO. When is that?

Mr. COLGATE. That process was implemented March 1, 1997.

Mr. BONO. Up to then, the applicant could go anywhere and take a fingerprints wherever they wanted to, is that correct?

Ms. JOHNSEN. That is correct.

Mr. BONO. If someone did not really want to disclose their fingerprint, they could have gotten another fingerprint?

Mr. COLGATE. That was one of the internal control weaknesses identified previously.

Mr. BONO. So now we have another uncertainty as far as the fingerprints that you have viewed, is that correct? We do not know that all of those fingerprints are by the people who say they represent, is that correct?

Mr. COLGATE. That is my understanding.

Mr. WATT. I am wondering if the gentleman would yield.

Mr. BONO. I will yield in a minute. I just want to finish this. The last time I yielded to you, it was one of the nicest insults that I have ever had.

Now did the FBI and the INS talk to each other when they were going to go on this massive program to clean up the backlog? Was there ever a discussion that we are going to go into this exceptionally massive program right now to clean up this backlog, so your work load is going to be excessive?

Was there ever any discussion between the two agencies?

Mr. COLGATE. It is my understanding that there was discussion at the staff level. I think, though, in retrospect that there should have been a higher-level dialog, which is currently going on right now.

Mr. BONO. There should have been a higher level?

Mr. COLGATE. That is my understanding.

Mr. BONO. Because it seems that when you launch a campaign of this type and of this magnitude that you are going to clean up this entire backlog, then it is far more excessive than it is under normal circumstances, and that would place burdens on everybody in the INS.

I think that Chairman Meissner said that she put on an additional 700 or 900 employees. So she was preparing for a much bigger workload.

Were you advised to prepare for a bigger workload when you had to give a turnabout on the fingerprints for 60 days?

Mr. COLGATE. First, I am involved in the review process.

Mr. BONO. I mean was the FBI?

Mr. COLGATE. I really cannot say.

Mr. BONO. We do not know.

Mr. COLGATE. I do not know.

Mr. BONO. OK.

Mr. COLGATE. But I would want to point out though that it is my understanding that even with this increased workload, that the FBI, if my recollection is correct, did complete about 94 percent of the prints submitted within the 60 day or less time period.

Mr. BONO. Now we know that we can never go back and get some of the fingerprints that we need to get. That would appear to me to be an impossibility.

Let us forget the political portion of this, but to launch a program like this.

Right now, you are in a clean-up process, is that correct, is the Justice Department in a clean-up process currently?

Mr. COLGATE. I use the term review process.

Mr. BONO. Review process, OK.

How much is this review going to cost us?

Mr. COLGATE. We are dealing with estimates.

Mr. BONO. Give me just one broad number, ball park.

Mr. COLGATE. The review, which does not include the re-engineering—when the Attorney General testified yesterday, we are estimating when we were taking a look at the additional time that the FBI has for fingerprint review; in comparison, if we are taking a look at the Inspector General as well as the KPMG cost for the review, we are estimating between $4 and $6 million.

Mr. HASTERT. The gentleman's time has expired.

The gentleman from California, Mr. Condit.

Mr. COLGATE. I would like to give some breakdowns in more detail later.

Mr. BONO. I just thought that I heard the Attorney General say possibly in excess of $10 million.

Mr. COLGATE. That included the business process re-engineering portion of it.

Mr. HASTERT. I thank the gentleman.

The gentleman from California.

Mr. CONDIT. Thank you, Mr. Chairman.

I would like to go, if I may just for a moment, to the review.

Is the review the study that is due in April sometime, are we talking about the same thing?

Mr. COLGATE. That is one aspect of it, yes.

Mr. CONDIT. Can you tell me the parameters of the study or the review, whichever it is, what are you actually looking at in terms of the review or the study?

Mr. COLGATE. We are doing several things. We are looking at a review of all of the felony arrests, as well as a sample review of the whole 1,049,872. Those would be people who had no criminal histories as well as these other categories. We think that the statistical sample will give us indicators.

KPMG tasks also include them going out into the field, and they are doing that right now, doing internal control reviews to ensure that the new procedures, which were adopted on November 29, 1996, have actually been implemented. Those are the corrective actions that the Service has come up with. So it is multi-faceted, sir.

Mr. CONDIT. Mr. Chairman, may I ask, are we then going to take another look at this once this report comes out in April?

It seems that what we are talking about today, they are going to put in writing, in written form, April 30th, is that correct?

Mr. HASTERT. It seems like there is a great deal of interest. If the gentleman would yield, there is a great deal of interest in this, and we intend to come back and take another look at it.

Mr. CONDIT. The corrective matters, is one of those where we depend on inter-agencies, the FBI or whoever, to help us do background checks on people, has there been some looking at that to see whether or not we are teaming up together in agencies, is that part of the study, or do you have some response to that today, is that working out well or not?

Mr. COLGATE. As far as the fingerprint aspect, it is really twofold. One, the agency has changes to their procedures, so we have an absolute yes or no involving the criminal history being completed, so the adjudicator has that information. That is part of the November 29th procedures.

We are also working between the FBI and INS to ensure that we can look for ways of improving the processing of fingerprints between these two agencies. The first guarantees us that all of the internal controls and safeguards are met. The second ensures a more timely response.

Mr. CONDIT. Well, I am actually finished. I would be interested in the review or report that comes out in April. It seems to me that it might respond to some of the concerns that we have. It also may give us some new interest in asking some additional questions.

But I would also like to identify myself with some of the comments that my colleague from Florida made. I think that we ought to focus on expediting citizenship. People who are interested in being citizens, we ought to try to figure out a way to expedite that, and not make that a long drawn out affair, and crack down on some of the other problems we have with INS illegals, et cetera.

Whatever we can do, Mr. Chairman, to encourage people to become citizens, and make sure that there are safeguards in that, I think we ought to do that. I commend you for holding the hearing, and hope maybe that the report that comes out in April will offer some solutions to the problems we have.

Mr. HASTERT. I thank the gentleman from California.

The gentleman from Tennessee, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman.

I, too, would add my desire that we see to it that people who want to become citizens can do so in as expeditious a fashion as possible under the law. But I want to stress that we have a duty to enforce the law. Granted, I do not know all of the facts, and I do not know all of the spins and interpretations that have been put on this.

But when I see what happened last year, and I am reading about some of the comments that the administration is making in the newspaper about this, it makes me very concerned, and it makes my constituents back in Tennessee very concerned, that perhaps the proper qualifications in the laws were not being followed, and they were simply thrown aside during an election year to buildup the voter rolls in various States.

Just looking at the 185,000 people who were not fingerprinted for whatever reason, if you divided those up among the 50 States, Tennessee would have 3,600 of those people right now. We really do not know if they have criminal backgrounds or not.

There is no excuse for that. I am looking at Mr. Colgate, and he is not to blame for this. But I think the administration is to blame for this. There is no excuse to forego the law. To take that risk of bringing in people who are not qualified because of criminal records just to expedite the process, and even worse to get voters on the rolls regardless of how they might vote.

I think it is much easier, the old saying is an ounce of prevention is worth a pound of cure, it is much easier to maybe be a little slower on the front end, and take the care to follow the law, and make sure that the people are qualified, than to just wholesale massively bring in groups of people in the interest of making them citizens, and take a chance that there are not too many criminals in that mix.

Then to have to go back after the fact and spend huge amounts of money to denaturalize. If you can find these people. Unfortunately, you are not going to find a lot of these people until they are rearrested, and hopefully for not violent crimes.

To hear people say well, we do not want to politicize this, the Republicans are politicking here and trying to score points, how can you not take this interpretation when you read in the paper e-mail messages, and this is from administration people in the White House or the Vice President quoted in the Washington Post yesterday, "Unless we blast INS' headquarters loose from their grip on

front line managers, we are going to have too many people still waiting for citizenship in November."

In a memo to the Vice President on her assignment to look at the citizenship backlog, Kay Martin said that "Only if the INS processes citizenship applicants 7 days a week up to 12 hours a day, can we hope to make a significant enough dent in the backlog that will show up when it matters."

Now it does not take a rocket scientist to determine what they are talking about there when it matters. We are talking about the election. Again, it just upsets me that for the 4 to 5 years prior to this, that we averaged about 300,000 naturalizations a year and then go up to over a million, just coincidentally during the election year and get into this, where we have to have hearings and spend money to do this, and trying to undue mistakes that were made.

I am beginning to wonder if the motto of this administration is no mistakes were made. Because we keep hearing that over and over, not just here, but across the board. We certainly see the envelope being pushed as far as it can be pushed in all instances I have seen. Then to come back later and say well, mistakes were made, what do we do now?

You know, I for one am tired of trying to pick the pieces and undo the mistakes that were made. I think that our folks, particularly the INS, need to do a much better job in terms of enforcing the law, and it may take a little longer. You maybe can only average with the assets you have got 300,000 a year. Maybe that is what we should do. But I think that we should do that, rather than just wholesale over a million people in, that it looks like a good portion of which would not be qualified.

I think that I have probably made my statement in the form of a soap box, and really do not have any questions beyond that.

I again thank all of you for taking your time to come in and testify before us today.

Mr. HASTERT. The gentleman from Arizona, Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

I want to first commend you, Mr. Chairman, for holding this hearing. I think that most of what needs to be brought out has been brought out. But I guess that I would like to add a few comments and associate myself with the comments of my colleague, Mr. Bryant, from Tennessee.

First of all, Mr. Colgate and each of you here today, I commend you in the work that you are doing. I think that it is vitally important. There has been some discussion about well, it is only this number, that out of what we have done we have only found so many people who should not be here to begin with.

Anyone applying to become a citizen of the United States has a right to understand the process, and to have the process function in a proper fashion. But there are two sides to that coin. Not only should people applying for citizenship not be forced to undergo improper delay or inexcusable delay, but by the same token, every American citizen already in this country and every citizen who has gone through the naturalization process and done it the right way has a right to expect that the system will operate properly.

I think that Mr. Bryant's comments are well taken. I look forward to reviewing very carefully the work that you are doing.

Mr. Colgate, I commend the Justice Department for examining these issues closely. It troubles me greatly as a representative of a border State, the State of Arizona, where we in fact have a serious problem with the issue of who should properly be a citizen of the United States. In our State system of welfare, and in our State school system, to look at the numbers I see kicked around the paper, and to say well, we did not even try to apply the rules to this category of people; and then with this category of people, we applied the rules, but we did it in a sloppy fashion.

I guess that the only point that I would like to make, to add to what has been said here today, is I believe what you are doing in terms of trying to get to the bottom of this whole scandal, and I think it is a scandal, of not following the law.

The U.S. Government not being able to properly administer its laws, to not be able to perform a background check on people who want to become citizens, that is indeed a scandal.

To discover that numbers of immigrants have gotten in and are now citizens, when you look at the fact that it is unlikely that any significant number of those people who have criminal records will in fact be denaturalized, I think it is a scandal.

I would urge you in going forward from this point, to do your job thoroughly. I think you owe that to the American people. I think that we owe it to the American people to get to the bottom of each of these questions that are raised today and not to kind of minimize it, and say well so far we know it is only this number.

The process ought to work in both fashions. It ought to work for those seeking citizenship, so you can become a citizen in a timely fashion. But it also ought to work for all Americans to assure that if you do not comply with the rules, if you are in fact a criminal, you are not granted citizenship.

So I commend you, Mr. Chairman, for holding the hearing and I commend each of the members of the panel for their work. I look forward to having you back here again, and looking at the final results and then to try to put in place procedures which make sure that nothing like this happens again. Thank you.

Mr. HASTERT. I thank the gentleman.

I also want to recognize the gentleman from California, Mr. Gallegly, for any comments or questions that he might have.

Mr. GALLEGLY. Thank you very much, Mr. Chairman.

I apologize for walking in here in the middle of the hearing. I had a bill on the floor, and had another markup at the same time. Rather than me stepping in in the middle and being redundant with some of the questions, I will hold my remarks for later. Thank you, Mr. Chairman.

Mr. HASTERT. I thank the gentleman.

We are going to dismiss this panel.

I would like to call forward the second panel. The second panel from INS will please come forward. It will be composed of the Honorable Doris M. Meissner, INS Commissioner; Mr. David Rosenberg, Citizenship USA Program Director; Mr. Louis D. Crocetti, Associate Commissioner for Examinations; and Mr. David Martin, General Counsel.

If you folks would please stand and raise your right hand. The committee rules require me to swear you in.

[Witnesses sworn.]

Mr. HASTERT. Let the record show that the witnesses have responded in the affirmative. Thank you.

I would ask Commissioner Meissner to please proceed with your opening statement.

STATEMENTS OF DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY DAVID ROSENBERG, CITIZENSHIP USA PROGRAM DIRECTOR; LOUIS D. CROCETTI, ASSOCIATE COMMISSIONER FOR EXAMINATIONS; AND DAVID MARTIN, GENERAL COUNSEL

Ms. MEISSNER. Thank you, Chairman Hastert, and Chairman Smith, Mr. Barrett, Mr. Watt, and other members of the subcommittee.

My name is Doris Meissner. I am joined today by Louis Crocetti, who is our Associate Commissioner for Examinations; David Rosenberg, our Director of Program Initiatives; and David Martin, the General Counsel at the Immigration Service.

The naturalization program is of enormous importance to the Immigration and Naturalization Service, and to the Nation. The grant of citizenship is the most important benefit that the INS can bestow. Unfortunately, this program had suffered from serious problems for many years.

Therefore, as I said it would be at my confirmation hearing in 1993, that one of my primary goals as Commissioner has been to give the naturalization the attention it had lacked for so long—in other words to put the "N" back into INS.

Let me be clear about the origins of Citizenship USA. Neither politics nor electoral considerations influenced the design, the implementation, or the operation of Citizenship USA.

We created Citizenship USA in order to address unprecedented increases in citizenship applications, to eliminate unconscionable backlogs, and to return to our historical 6-month standard for processing applications.

Citizenship USA achieved its goal of backlog reduction and timely processing by hiring an additional 900 employees, opening 9 new offices, and automating certain parts of the process, not by lowering standards or by fostering a rush to citizenship.

At the same time, the volume of applications that we have handled and continue to receive strained already outmoded procedures that have let us to make four critical changes in the system.

First, we have eliminated the possibility that naturalizations can occur before we have received the results of the FBI's fingerprint check. That is to say that we now confirm in 100 percent of the cases whether any fingerprint record exists with the FBI.

Our new procedure, effective in November 1996, replaces the fingerprint policy that had been in place since 1982. That policy called for waiting 60, and then 120 days, and then proceeding when we had received no report from the FBI.

Second, we have instituted a quality assurance program to ensure that the procedures are being followed completely and uniformly in all INS offices. The quality assurance measures involve

random monthly checks of every INS office, and documented proof that all steps are being followed.

Third, the Department of Justice has contracted with the management consulting and accounting firm of KPMG Peat Marwick to oversee a comprehensive audit of all naturalization cases from last year, and to review the implementation of the new quality assurance procedures. We will take swift action to revoke the citizenship of any persons found to have been wrongfully naturalized.

Finally, the Department of Justice is letting a contract for a complete redesign of the citizenship process to take place over the next 2 years. We expect this effort to help us replace our paper-based processes with modern, reliable, automated procedures.

Before 1992, we received about 300,000 naturalization applications yearly. I think that as you can readily see from the charts that we provided, particularly the first chart on the left, our applications have quadrupled in the intervening years. We expect 1.8 million applications this year.

The increases have resulted from a variety of factors, including the near equality in cost of replacing a green card to applying for citizenship, eligibility for citizenship of those legalized following Congress' 1986 reform legislation, anxieties among immigrants about measures such as Proposition 187, and now most recently the effects of welfare reform legislation on legal immigrants.

By 1995, we had a backlog of 800,000 applications. Some applicants were waiting 2 to 4 years. This was unconscionable. We had an obligation to process their cases.

The goal of Citizenship USA was to reduce backlogs and achieve timely adjudication of naturalization applications. At no time did political or electoral objectives guide the creation or the implementation of Citizenship USA.

INS first briefed staffers from the National Performance Review in February 1996, 11 months after the program was conceived, and 6 months after it was publicly announced and begun.

We did not pursue any suggestions made to us that would have relaxed or waived the legal requirements for citizenship or otherwise have undermined the integrity of the naturalization process. On the contrary, we strengthened and improved our citizenship program.

We received bipartisan congressional support for our efforts to keep up with increased applications, to reduce backlogs, and to return to the historical 6 month processing timeframe.

Our efforts in Citizenship USA have taught us some hard lessons. We had aimed for a balance, to divide our effort between meeting the growing workload, and moving forward with necessary progress reports. In hindsight, it is clear our reach exceeded our grasp.

Our policies and procedures were written in a different era. Our system, paper driven, and supported by outmoded hardware and software was not built to handle the extraordinary demands being placed upon it.

Despite the many improvements that we did make, we were still relying on a presumption that no FBI record existed, if a FBI response was not received within 60 days. That presumption masked

other weaknesses in the handling of fingerprints, which are now apparent.

We solved a set of chronic problems that had plagued the naturalization system by accepting applications by mail, by centralizing the handling of fingerprints cards, by increasing automated support, and by developing a certification program for fingerprint takers.

In retrospect, however, it is clear that the core weakness was the 60 day fingerprint policy. I regret that we did not address it earlier. We have now changed our policy and practice, and can prevent such errors from occurring in the future.

It is important, very important, that Congress and the American people have confidence in the integrity of the naturalization process. The number of applicants continues to increase. We expect 1.8 million this year, 50 percent greater than last year.

The mistakes that INS made resulted from relying on outmoded practices to meet urgent and overwhelming demands. We have corrected those mistakes, and have put into place a series of new measures to prevent them in the future.

I have always been committed to an immigration policy that makes the most long-term sense, not one that serves temporary expedience. In that vein, I look forward to implementing the improvements that will further strengthen naturalization.

Thank you for the opportunity to appear before you today. I am pleased to answer your questions.

[The prepared statement of Ms. Meissner follows:]

Doris Meissner
Commissioner
Immigration and Naturalization Service
United States Department of Justice

I. Introduction

Good morning, Mr. Chairman and Members of the Subcommittees. I am joined today by Don Crocetti, Associate Commissioner for Examinations, and David Rosenberg, Director of Program Initiatives.

The naturalization program is of enormous importance to the Immigration and Naturalization Service (INS) and to the Nation. The grant of citizenship is the culminating step in our national commitment to legal immigration and is the most important benefit INS can bestow.

Enabling immigrants to become full participating members in our democracy is a defining feature of our national character. We unite more people from more nations than any other country, even within the community of nations that are strongly committed to legal immigration. As Commissioner of INS, I am charged with overseeing the processes we use to grant naturalization. My commitment to enhancing INS' performance and accountability with respect to the naturalization process and ensuring the integrity of that process is long standing.

II. Overview of Improvements to Naturalization Process

Before addressing the performance of our naturalization program over the last year, let me first list some of the improvements we have made to that program.

First, we have eliminated the possibility of naturalization cases being completed without verification of an FBI fingerprint check. That is to say, the FBI is now responding to INS in 100 percent of the cases by providing either a "yes" or "no" verification of whether there is a criminal history record for an applicant. Second, we have instituted a quality assurance program to ensure that all procedures are being followed. The program involves random monthly checks of a

sample of cases from every office in INS. Third, we have contracted with the management consulting firm of KPMG Peat Marwick to review the implementation of these procedures and to conduct and oversee an audit of all cases of persons who may have been wrongfully naturalized last year. In such cases we will initiate proceedings to revoke citizenship. Finally, we are letting a contract for a complete redesign of the citizenship process during the next 18 months to two years.

Let me now provide some background about the development of our naturalization program.

III. Historical Background

A. Growth in Applications

In the ten years before 1992, we received fewer than 300,000 naturalization applications per year. In early 1994, we knew that over 1.3 million people who had gained legal status under the Immigration Reform and Control Act of 1986 (IRCA) were beginning to become eligible for citizenship and we were anticipating an increase in our workload. By the close of fiscal year 1994, we had received 522,000 applications.

As we moved to meet the expected increase in applications, we were also committed to redesign the process. We aimed for a balance: to divide our effort between meeting the growing workload and moving forward with necessary process redesigns.

To accomplish this goal, I sought a capital investment in the naturalization program beyond an amount the fee account could sustain in order to jump start the system with much needed improvements. Our 1995 budget request, submitted in February 1994, included $30 million in appropriated funds to support a major revamping of our naturalization program.

Congress ultimately approved $7.1 million of our $30 million request, to provide public information services and reduce waiting times for processing. Underscoring the national interest in an effective naturalization program, this was the first time since the examinations fee account was established in 1988 that appropriated funds, in addition to application fees, were requested and approved to supplement naturalization spending.

Our projection of application receipts, based on historical data. did not prepare us for what ensued. By early 1995, we were receiving cases at a rate that led us to project a caseload of double the 522,000 cases received in fiscal year 1994. Relying on applicants' fees for financing, we prepared two reprogramming requests, one to increase case processing capacity in fiscal year 1995 and another later in the year to carry that capability forward for fiscal year 1996. In March 1995, we began serious planning on improvements to the naturalization process at the same time as we planned increased capacity for the unprecedented volume of applications we were receiving.

By the end of fiscal year 1995, we had indeed received more than one million applications. It appears that applications grew as a result of a range of external and internal factors, including: (1) the IRCA's legalization program, which created a large pool of legal permanent residents who became eligible to naturalize in large numbers in 1994; (2) anxieties among immigrants regarding the passage of ballot initiatives and legislation such as Proposition 187 in California; and (3) the green card replacement program and the fact that the fee for replacing the card was nearly that of the fee for the application for citizenship.

Applications increased another fifteen percent in 1996, to 1.2 million, and this year, they are projected to increase an additional 50 percent, to 1.8 million. The following table

summarizes our recent experience. As you can see, applications have quadrupled in four years and continue to grow.

Naturalization Workload (numbers in thousands)

	Receipts	Completions*	Pending
1992	342	262	199
1993	522	387	269
1994	543	444	314
1995	1,100	506	803
1996	1,221	1,344	701

* Completions = fully adjudicated cases, not completed oath ceremonies

Rapidly mounting receipts of citizenship applications presented INS with enormous challenges. By 1995, we faced a backlog of some 800,000 naturalization applications. Processing times were projected to be a totally unacceptable two to four years in some districts. Many of our customers -- almost all of whom are law-abiding, taxpaying contributors to our society -- were waiting for unreasonable periods of time to receive benefits for which they were paying, to which they were entitled, and which it was in the national interest to bestow. This was an unacceptable situation. We had an obligation to step up to our responsibility to provide better service.

B. Creation of Citizenship USA

In the Summer of 1995, we developed and launched Citizenship USA as a way of meeting both vastly accelerated demands and making necessary systemic improvements to the naturalization process. We initially focused on the five cities that represented 75% of the applications and had the largest backlogs: Miami, New York, Chicago, Los Angeles, and San Francisco.

Bi-partisan congressional support for our plans came in the form of the 1995 and 1996 reprogramming approvals. These funds made it possible for us to hire more than 900 additional temporary employees and let contracts to lease and outfit nine new offices, which we needed to handle the increased number of interviews we were required to conduct.

In addition, we developed a series of improvements to the process. Some of the critical improvements are as follows:

Direct Mail

This involves applicants from four of the five large districts mailing their applications to centralized processing centers rather than submitting them in person to local offices. The Service Centers screen fingerprint cards and mail them to the FBI promptly, overcoming the problem of tardy submissions of fingerprint cards. Direct Mail allows initial data entry and other paper handling to be performed much more efficiently and frees district office personnel to concentrate on adjudicating applications.

Fingerprint Clearance and Coordination Center (FCCC)

The FCCC, opened in June 1996, centralized the processing of rap sheets and rejected fingerprint cards from the FBI. The FCCC ensures prompt notification to field offices of rejected

fingerprints and of the discovery of FBI records for naturalization applications, directly addressing two procedural deficiencies of concern to INS.

Automation

We developed short term improvements to the existing automated case processing system including providing acknowledgments to applicants and automated scheduling of interviews. These and similar measures allowed our staff to be more efficient and productive.

Assistance Organizations

We also actively sought partnerships with non-governmental organizations to leverage our ability to reach out to citizenship applicants. These organizations have provided an invaluable service in educating applicants about the requirements for naturalization, helping applicants prepare complete and accurate applications, and informing applicants about the responsibilities of citizenship.

C. Goals of Citizenship USA

Citizenship USA was focused on achieving timely adjudication of naturalization applications. Our focus was on completing adjudications and reducing backlogs. Our operation and the resources we requested were sized to meet projected caseloads.

The goal of Citizenship USA was to meet INS' historically-based six months processing time. By the end of fiscal year 1996, we had reduced or eliminated unconscionable delays and had successfully returned citizenship application processing times from two to four years in many places to six months.

D. Lessons Learned

In hindsight, we see that our reach exceeded our grasp. Our policies and procedures had been written in a different era. The system that was in place -- principally paper-driven and supported by outmoded hardware and software -- was adequate to handle fewer than three hundred thousand cases per year but was being stretched to an extraordinary four-fold increase in workload. Staff made valiant attempts to keep up with ever increasing obligations while making continuing adjustments as needs arose. Our increased demand for fingerprint checks also increased pressure on the FBI and, as we later learned, slowed the time period for obtaining responses.

The FBI's figures state that it completes 73 percent of fingerprint checks within 30 days, 89 percent within 45 days, 94 percent within 60 days, and 98 percent of fingerprint cards within 90 days. Historically, seven percent of naturalization applicants have some sort of information -- not necessarily a criminal record -- on file with the FBI. Of those, a much smaller percentage of naturalization applicants typically had criminal records that disqualify them from naturalization.

Despite the improvements to the process that we instituted, we were still relying on an outdated assumption with respect to the receipt of FBI fingerprint check results. Since 1982, it had been INS policy to assume that no FBI record existed if an FBI response (known as an "ident") was not received within 60 days after the fingerprint card was sent to the FBI.

This policy created a significant vulnerability. But it was a vulnerability that was not apparent until INS eliminated backlogs and became timely in its processing because with backlogs, any "idents" not delivered in 60 or 120 days still had plenty of time to reach the file before a case would be adjudicated.

As INS added personnel and other resources, our processing times dropped, and by August of last year, a few of our offices were completing applications that had been filed less than six months before. As a result, some naturalization applications were being adjudicated by INS while the FBI was still in the process of completing its background checks. As of September 1996, we modified the presumptive policy in place since 1982, doubling the required waiting period from 60 to 120 days.

IV. Where We Are Today

Now that we have a fuller understanding of some of the most serious vulnerabilities in the process, we have implemented policies to resolve those problems. Those policies are summarized at the beginning of this testimony.

As of November, 1996 we are implementing specific procedures that preclude interviewing or naturalizing any person for whom we do not have a response from the FBI, either positive or negative. This change contains safeguards that have eliminated the possibility of adjudications being completed without knowledge of the results of the FBI fingerprint check.

The November 1996 guidance includes procedures that require a standardized worksheet to be completed in all cases before an adjudication decision is made, including a required notation of specific information obtained from an electronic file that indicates that the FBI fingerprint check has been completed and the result of the check. If the check results in the discovery of an FBI record, the rap sheet must be placed in the case file before the case may be adjudicated. Further, monthly quality assurance case file samplings are performed to verify that worksheets are properly completed and that all procedures have been followed.

The November 1996 guidance also established strict rules about adjudications on temporary files, required supervisory review of all cases involving individuals with felony arrests, and instituted a comprehensive Quality Assurance process for all field offices. This process involves conducting monthly, random checks of all cases to be certain that our quality assurance procedures are being followed. Starting in February 1997, KPMG Peat Marwick began an independent review of field office implementation of the quality control procedures.

As a result of our extensive work to match INS and FBI files, the two agencies established much closer coordination at both the staff and management levels. Both INS and the FBI are pleased with this strengthened relationship and are committed to its continuation.

We are working closely with the FBI to further automate the fingerprint process. Starting next month, INS and FBI will exchange electronically biographical information on FBI fingerprint cards. For the first time, INS and FBI will have common fingerprint data and a common process for managing that data. This year, we will also experiment with fingerprint scanners. These scanners, which will indicate which prints are unreadable, will help reduce the number of unclassifiable prints submitted to the FBI. Finally, we will work with the FBI to pilot an advanced system known as "EFIPS," which is a comprehensive electronic solution to the scanning and submission of fingerprint information.

With regard to the quality and security of fingerprint submissions, in June 1994, we circulated a draft regulation setting up a system for training and authorizing outside fingerprint service providers. The proposed rule was published in May 1995. After an extensive development process, the final rule was published in June 1996 and became effective March 1, 1997. The Designated Fingerprint Service or "DFS" program addresses concerns about the need

to control who may provide fingerprint services, to ensure that fingerprints submitted by applicants for INS benefits belong to those applicants, and that fingerprint cards are properly completed in order to minimize the number of rejected and unclassifiable cards.

Mr. Colgate has explained to you in detail the nature of the Lincoln review. We are fully committed to the process and are cooperating with KPMG Peat Marwick in every way possible as it reviews and validates our efforts. We have brought great resources to bear in order to solve these problems, both in terms of money and personnel. We are anxious to complete this process so that we can act on our findings, as independently reviewed and validated by KPMG Peat Marwick.

Finally, the Justice Management Division is in the process of engaging a firm that will conduct a complete business process reengineering of the entire naturalization process over the next two years. We expect this process to include the creation of an automated environment in which labor-intensive and error-prone paper based processes will be reduced or eliminated.

V. Conclusion

It is very important that Congress and the American people understand the validity of these corrections we have made to the naturalization process. The number of applications is still increasing. We expect 1.8 million this year, an increase of 50 percent over last year.

We are doing everything we can to identify and correct our past errors. A special team of INS adjudicators is reviewing every naturalization case between August 31, 1995 and September 30, 1996 for whom we can confirm that the FBI has a record. In October 1996, we published a regulation creating a streamlined administrative revocation process. For each person whom our

review identifies as having been naturalized despite a disqualifying criminal history, INS will move swiftly to revoke the citizenship of that person.

We have a great deal of work to do. We are faced this year with the necessity of simultaneously adjusting to a workload fifty percent higher than last year, attempting to maintain reasonable processing times, continuing to implement process improvements, addressing the results of KPMG Peat Marwick's review of our work, pursuing the reengineering process, and implementing our own intensified monitoring and quality control procedures. Our Designated Fingerprint Service program was implemented just a few days ago. We are reevaluating our testing program. We are about to finalize a regulation that implements a provision of the 1994 Technical Amendments Act that permits certain persons with disabilities to apply for exceptions to the English language and civics requirements. This endeavor will require additional training for our officers, in addition to a comprehensive public education campaign for the disability and medical communities. We are proceeding with several critical automation initiatives.

I have always been committed to an immigration policy that makes the most long-term sense, not one that serves temporary expedience. We made mistakes in Citizenship USA. The mistakes INS made resulted from applying outmoded practices to urgent and overwhelming demands. We have corrected those mistakes and have put into place a series of new measures to prevent them in the future. As we learn from this experience, we are committed to a naturalization system that is worthy of the greatest benefit bestowed by our nation.

I appreciate the opportunity to appear before you today. I will be pleased to answer your questions.

Mr. SMITH [presiding]. Thank you, Commissioner Meissner.

Let me announce to the members of the panel that it is my understanding that there has been agreement for either side to take their 30 minutes at this time. The majority will start off with its 30 minutes, and then we will yield to the minority for its 30 minutes. I will begin the questioning and then yield to others in just a minute.

Commissioner Meissner, in a letter to Senator Al Simpson in October 1996, you said, "Preliminary indications are that only a few dozen individuals out of the more than 1.3 million naturalization applicants processed this year have been wrongly naturalized."

Then last September, Alex Aleinikoff, who was the Deputy Associate Commissioner for Programs at INS, appeared on National Public Radio. He said in reference to the wrongful naturalization of criminal aliens that "We discovered perhaps 40 or 50 cases nationwide out of 1.2 million cases that we will adjudicate this year."

Last September, Louis Crocetti, who is here, said that the number was 60 for the entire naturalization program.

Now we already know today that out of a sample of about 2,000, we have a couple hundred that were wrongly naturalized. If you go to 250,000, you are going to end up with many times that amount. So the question is no longer whether the figures were correct, but they were clearly wrong.

It seems to me, and would you not agree, that this is a clear case of Congress being misled on the basis of those numbers?

Ms. MEISSNER. I would not agree to that. The numbers that you were given in testimony in the fall were based on a survey of our field offices in which we queried how many cases they knew about at that time. They were not based on the audit which is presently before you.

Mr. SMITH. I understand that, and I am not suggesting that you knew the exact numbers. I do not know that we will ever know the exact numbers. We will have a better feel come May. But you did know about the earlier IG investigation in 1994. You did know about the GAO report in 1994. You knew that the fingerprint problem was likely to be serious, because of advance notice.

You knew that you were dealing with, as you testified repeatedly, huge numbers of individuals, three to four times the number of individuals ever processed before.

It seems to me that at the very minimum that you had constructive knowledge of the problem, but you did not have actual knowledge. If that is the case, there was either deception or there was negligence. I do not know, and I will let you establish that.

Either is inexcusable, but it had to be one or the other for you not to have known the extent of the problem, and not to have known that there were sizable numbers of individuals who were being naturalized. You are welcome to respond, if you want to.

Ms. MEISSNER. I will respond. We were in good faith testifying on what was clearly incomplete information. There was no effort to willfully mislead or to misrepresent. What we have now is an audit, which is a total survey of the activity for that year. The testimony that was given in the fall was based, as I said, on a series of queries to field offices as to the cases that they had before them at that time. They are apples and oranges.

Mr. SMITH. Let me go on to my next question. I will go back to the words that you just used, that there was no effort to intentionally mislead or willfully mislead. I will take you at your word, but that still leaves open the whole question of negligence and mismanagement, which has to be there for the problem to occur.

Problems just do not occur by themselves. Somebody is ultimately responsible. In this case, you were the head of the organization that was overseeing this process.

Let me read some more quotes to you, this one from some e-mails that your employees were sending each other in 1996. "I do not think 30 days is enough time to give up on a file. I suggest that we keep the current 6 months, or we will be naturalizing axe murderers and Nazi war criminals."

There is another e-mail, "It does not take a pessimist to realize that one of these days, probably in the near future, the Eastern region of the INS is going to naturalize an axe murderer, child rapist, or a person with an outstanding Federal warrant," and so forth.

Another one, "Some folks have been naturalized already, at least one rapist and one murderer so far," and so on.

It seems to me that there was widespread knowledge within the INS that Citizenship USA was not working, and something terrible had gone wrong. I know that you have said in the past that you were not aware of this. But it seems to me that you knew the potential for the naturalizing of criminals. Certainly, if your staff did, or your district directors did, if the members were there, it seems to me that you had constructive knowledge of what was going on.

You are welcome to respond.

Ms. MEISSNER. We have been aware of the possibility that a system that operated on the presumption, on the 60-day presumption, as has been explained, has potential weaknesses. But we have taken a whole series of steps that were suggested both in the GAO and in the IG report to address that, and there is a full record of them.

For instance, when we asked for the reprogramming of the funds that staff Citizenship USA, half of those people were clerical staff. That had never been done before by the Immigration Service. That was for the purpose of timely submission of having the staff that was required to make timely submissions of fingerprints, and to handle the rejected cases. We set up a fingerprint contact person in every district office.

Mr. SMITH. I am not talking about the improvements that you made after the problem came out. You just used the phrase, and excuse me for interrupting you, that there were potential weaknesses. These weaknesses were not potential. They were structural, and they were ongoing. We can go into all of the details that you want to go into about the mishandling of the fingerprints.

But these were not potential. Potential refers to something that might occur in the future.

These weaknesses were present within the organization during the years in question, were they not?

Ms. MEISSNER. They are systemic weaknesses, to which we were applying a variety of solutions. What I am saying, and it is terribly important, is that the issue was being addressed. The responses to the weakness clearly have not been sufficient. But it was not a

question of inattention or inattentiveness to a problem. The solutions were simply not up to the problem.

Mr. SMITH. There is no question in my judgment, and I think the judgment of most objective observers, that the fingerprint process used by the INS was an unmitigated disaster. You had 113,000 people who were naturalized, whose fingerprint cards were rejected by the FBI. You had another 66,000 who were naturalized without any record of any FBI check. You had 71,000 naturalized that had some form of an arrest record. And then finally, you had an unknown number of aliens who had no criminal history, but may have submitted to fingerprints of another person. That is 750,000 people.

There is a glaring omission here. No one will take the blame. Top staff, and that includes you, say that they were shocked by the extent of the problem. Yet the very people who were shocked were in fact in charge of the program.

You have said, Commissioner, that the chief mistake that you made was to, "Apply outmoded practices to urgent and overwhelming demands." But those are the same outmoded practices that were criticized by the IG in 1994, and criticized by the GAO in 1994. It was a mistake to continue to apply what you had to be on notice were bad practices that were going to result in the mistakes that occurred.

Someone had to make a conscious decision not to fix the problem before Citizenship USA was implemented, but no one is taking responsibility for that decision despite the year advance notice of the problems.

Do you not think that you should have taken some steps after the GAO report of 1994 to fix the problem before you undertook a massive program to naturalize three and four times the number that were studied under the GAO report?

Ms. MEISSNER. Mr. Chairman, let me begin my answer by saying that I absolutely take responsibility for this issue and for the problems that occurred under the issue. I have been very clear in this testimony, with this subcommittee, and with the subcommittee that you chair, and I have been clear with the appropriators.

We recognize that there were weaknesses here. We recognize that we were balancing a historic increase in applications and a need to be responsive with a system that required reforms. We put a whole set of reforms into place that dealt with both the fingerprint issues and other deficiencies in handling these applications.

As a response to the 1994 OIG report, we created the designated fingerprint capability around the country. We have trained thousands of people around the country to take fingerprints properly. That was actually the focus of that report, to be sure that the fingerprints themselves were reliable, and could be read, so that it reduced the numbers of unclassifiables. We set up a fingerprint clearing center.

Mr. SMITH. Ms. Meissner, let me interrupt you, because you have more than answered at least part of my question. I am very much aware of all of the improvements that you have made after the fact, but I was glad to hear you say earlier that you did accept responsibility.

Is there any excuse for not having implemented the recommendations of the GAO report in 1994 that you said that you were going to implement?

Ms. MEISSNER. I am not attempting to make excuses. I am saying that we took a series of steps which we believed were responsive. Under the crush of the workload that we have been dealing with, they have not been adequate to the task. But they were an effort to deal with what was recognized as a weakness.

Mr. SMITH. Thank you, Commissioner Meissner.

Mr. Martin, let me address my next series of questions to you, and this is in regard to the denaturalization process.

Congress gave the INS the authority in 1990 to denaturalize citizens through an expedited administrative process, rather than going through the courts. It took the INS 6 years until last October to issue the rules on the administrative denaturalization process. I assume that the regulations were finally issued when the INS knew how many individuals were being wrongly naturalized under Citizenship USA.

Ever since concerns have surfaced over Citizenship USA and the INS, you have assured us, and Commissioner Meissner did twice in her testimony, that the criminals wrongly naturalized will be denaturalized.

Deputy Commissioner Chris Sale issued a memorandum in December 1996. This, of course, is immediately after the election stating that the administrative denaturalization proceeding "should be initiated immediately in all cases where there is clear evidence of a disqualifying criminal conviction."

A couple of preliminary questions here.

One, when you move to denaturalize those individuals who should not have been naturalized, are you going to move against these individuals who not only committed some of the more serious felonies, but also the individuals who are ineligible because of not having good moral character?

Mr. MARTIN. The process is under way, and it addresses the full range of issues. The initial focus, of course, has been those cases where there is a clearly disqualifying criminal conviction, but we have not ruled out any of the other ones.

Mr. SMITH. So you intend to denaturalize both individuals who had disqualifying crimes, as well as those individuals who are not eligible because of not having good moral character, is that right?

Mr. MARTIN. If it meets the standards, and we can prove it according to the standards, and the regulations, and the Supreme Court decisions.

Mr. SMITH. You say you have begun the process.

How many people have you moved to denaturalize as of right now?

Mr. MARTIN. As of right now, there are 36 people who have been served with notices of intent to revoke that we are pursuing on through. There are another 75 that are in the counsel review process.

Let me just point out that it is separate from the Nebraska review process, the process that Mr. Colgate spoke about. When that is at a point with the final review by Peat Marwick and others, there will certainly be others coming out of that.

Mr. SMITH. Is it the intention of the INS to denaturalize every single individual who is found to be ineligible, and who is wrongly given citizenship?

Mr. MARTIN. Yes. If they were ineligible, it is our intention to proceed with those proceedings.

Mr. SMITH. Now there is a 2-year statute of limitations in place, as we speak. You are aware of that. So no individual is going to escape being denaturalized, because of the INS missing that 2 year statute of limitations, is that right?

Mr. MARTIN. Well, let me be clear. There are two separate processes that are available for denaturalization. The 2 year period applies to the administrative process and under regulations, that took effect in October. We are moving ahead in a serious way with that review.

After that period of time, there is not a broad statute of limitations on denaturalization. It can be pursued in a judicial posture.

Mr. SMITH. Let us make it clear that if you do not adhere to that 2 year statute of limitations and go through the administrative process, and instead go through the judicial process, the likelihood of success is going to decrease, and the time involved is going to increase.

Of course, even with the administrative procedures that are subject to the 2 year statute of limitations, you have got three layers of appeal. This is not going to be an easy process.

Now I am not going to ask you to speculate as to what fraction of the individuals that you moved to denaturalize will actually be denaturalized, but I think that it should be clear for everybody that this is a long, tedious process. It will be a pleasant surprise to those of us who are concerned, if in fact the INS is successful in denaturalizing even a majority of those individuals who should be denaturalized.

But I take it from your response today that one, you are aware of the statute of limitations and you are not going to miss it; two, you are moving against everybody who was ineligible to become a citizen.

That is correct, is it not?

Mr. MARTIN. There is a judgment process in reviewing each of the cases as to whether they meet the criteria. But we are moving ahead with a serious review process on every one of those. The 2-year period, of course, applies to the time when the notice of intent is served. So if the appeal process goes any longer, it is not a problem.

Mr. SMITH. I thought you said awhile ago that anyone who is ineligible to become a citizen, that you were going to move against them, and attempt to denaturalize.

Is that a fair statement?

Mr. MARTIN. Yes.

Mr. SMITH. Thank you, Mr. Martin.

I am going to yield now to the gentleman from Arizona, Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

Mr. Crocetti, I would like to begin with you.

How long have you been with the INS?

Mr. CROCETTI. Nearly 22 years.

Mr. SHADEGG. So this is a career for you?

Mr. CROCETTI. Yes, it is.

Mr. SHADEGG. Are you in charge of the citizenship program, this is your overall responsibility?

Mr. CROCETTI. That is one of my programs, yes.

Mr. SHADEGG. Are you the head of the program within the INS?

Mr. CROCETTI. The Citizenship USA program itself, David Rosenberg is the Director of Citizenship USA.

Mr. SHADEGG. Is he working for you, or are you working for him?

Mr. CROCETTI. Initially, he had been contracted by me to be the Citizenship USA coordinator.

Mr. SHADEGG. So in that circumstance, he would be working for you, right?

Mr. CROCETTI. Yes.

Mr. SHADEGG. Was he your selection?

Mr. CROCETTI. Yes. I decided to contract him. He had already been contracted by another program, and I extended that contract for Citizenship USA.

Mr. SHADEGG. Did you continue to feel that you were running the Citizenship USA program throughout this time period?

Mr. CROCETTI. It was not my primary responsibility to direct that particular initiative. But being related to naturalization, which is one of the branches that I am responsible for, it would ultimately fall within my area of responsibility.

Mr. SHADEGG. Do you feel that you were able to control the program?

Mr. CROCETTI. Control?

Mr. SHADEGG. Yes. In other words, were you able to make sure that the things you wanted to get done within the program or the way it ran was the way that you thought it should run?

Mr. CROCETTI. That is not really how we do business.

Mr. SHADEGG. OK. Who was responsible for running the program?

Mr. CROCETTI. David was the Director of the Citizenship USA program. We had another branch chief responsible for the naturalization program. Now, that person is Terry O'Reilly. Terry reports directly to me.

Mr. SHADEGG. When you testified before this committee before, you indicated, or in fact you stated directly in response to a question by me, that you had maintained, that the INS had maintained the integrity of the naturalization process through all of the Citizenship USA.

At that time, I believe you testified also, or Mr. Rosenberg testified, that there had been a grand total of perhaps 60 people, who had gone through and become citizens, but who probably were not eligible.

Mr. CROCETTI. Yes.

Mr. SHADEGG. At the same time, Mr. Rosenberg also testified that he felt that they had not only maintained the integrity of the process, but improved it.

We have now seen rather dramatic numbers that indicate that a lot more than 60 people became citizens without complying with the law, correct?

Mr. CROCETTI. Yes. If I could address each of those issues.

Mr. SHADEGG. Sure.

Mr. CROCETTI. Primarily, the number 60 was reported by me. As the Commissioner pointed out, at that particular time, we were canvasing the field as to the number of cases where they received a late fingerprint record, where there was a criminal record that resulted in disqualification, and that perhaps would warrant revocation proceedings.

At that particular time, the number that had been reported halfway through the review of the cases was in the 25 area. So being halfway through, I reported that it should not be any more than 60.

But those numbers are separate and apart from the numbers that we are talking about today, that is a direct result of an extensive search of the FBI's criminal data bases, and a review taking place of the Citizenship USA program by our people, and KPMG Peat Marwick.

Mr. SHADEGG. So you are saying that your projection at that time that looked like it may have been 60 people who were granted citizenship that probably should not have been——

Mr. CROCETTI. At that time.

Mr. SHADEGG. At that time, that was accurate?

Mr. CROCETTI. Yes.

Mr. SHADEGG. I presume that is the basis upon which you said you maintained, and Mr. Rosenberg said, that you had improved the integrity of the process.

My question of you now is this, we have seen that dramatically more people than that obtain citizenship either having found a criminal record where they should not have been naturalized or, and there is a much larger category of these, where no criminal background check was ever performed.

You would agree with me, would you not, that suggests that at least with regard to that issue that the integrity of the system broke down?

Mr. CROCETTI. It certainly raises the issue as to whether we did weaken the integrity. But I do believe, even though I cannot recall making the statement, I do believe that at that time that we truly thought that the current fingerprint process would have worked.

Because traditionally, the reason why it did not work is because the staff was overwhelmed with the volume, and they did not have the staff to do the processing. Even in the OIG report, you will take note that not every office was able to perform their fingerprint responsibilities.

In some respects, it was not only resource related, but it was performance related. We felt that by proceeding in a progressive way, where we would increase the resources and improve the process, particularly as it relates to progressive automation, that we would in fact be able to sustain that workload without sacrificing any integrity.

Mr. SHADEGG. I understand that at the time you gave that testimony, you thought that you were going to be able to maintain the program integrity, and indeed you thought that you had maintained the integrity of the program, right?

Mr. CROCETTI. Absolutely.

Mr. SHADEGG. Now it appears that at least with regard to the fact that many people came through the system without having had any criminal background check performed at all, the integrity of the system was not maintained?

Mr. CROCETTI. That is more true than false, but let us keep the numbers in focus and a lot of numbers have been shared here. They are either not being interpreted properly, or they are being exaggerated.

We are talking about a number of 66,000 that we have not been able to locate a record. When it gets down to percentages, less than 5 percent of the people who had applied and had been naturalized may not have had the record check and that is likely to be even less. Because when the FBI receives the fingerprint cards, if they reject it at the front end of the process, they do not even key it into the system.

We also found out that we located thousands of cases that initially were not in their initial tracking system. Because if you do not have a FBI identifier number, you will not locate the case easily. So then you have to do name checks and with foreign names, you can imagine how you have to manipulate the data bases in a variety of ways.

So what I am saying is, the number that truly needs to be focused on is the 66,000 and then you cannot even say that the fingerprint cards were not submitted. But you can say that we have not been able to find a record that establishes that they have been submitted and completed.

Mr. SHADEGG. Well, I think it is not a productive use of our time here today to debate the numbers, because the numbers are complete. What I am trying to get at is the process, and whether or not we maintain the integrity of the process.

I would submit that given the numbers that we have seen so far, that we do not maintain the integrity of the process. I guess that is where my questioning of you went.

I want to ask you some questions about your own e-mails. There were e-mails that went back and forth that we now have copies of, which raise this issue beginning in November 1995 where you sent e-mails indicating your concern with the process.

Then by July 1996, you sent an e-mail to Mr. Mike Aytes saying, "What in the world is going on here? This is a time bomb."

Do you have a copy of that e-mail?

Mr. CROCETTI. I am familiar with it.

Mr. SHADEGG. You are familiar with it. OK.

What was Mr. Aytes' response, and are you satisfied with the way that issue was handled to this point in time? You said that it is a time bomb.

Mr. CROCETTI. As you can see, there are a series of e-mails. Without discussing the followup e-mails, particularly how I responded immediately to every one that I was copied on, what we found almost without exception is that for each e-mail the emotion was triggered for a specific reason.

For example, the axe murderers, I believe that was triggered as a result of one of our contractors in a service center during the initial transition inappropriately was routing fingerprint cards.

The e-mail that was triggered that I reacted to, that this is a time bomb, actually proved not to be directly related to the fingerprint process, but rather the biographical information and other agency check process, for which we determined that was not the problem that particular staffer thought there was, and he later acknowledged that.

Mr. SHADEGG. So you really do not have a problem with your earlier testimony, you do not think that the integrity of the process was compromised, and you think that these e-mails were over-reactions?

Mr. CROCETTI. No. I think that the fingerprint process, as pointed out by the IG, had deficiencies that needed to be addressed. As I stated a few minutes ago, the combination of resources and progressive improvements, and pointing out to the field and educating them as to what they need to do, and then having them do it, and giving them the tools to do it, would have fixed that process.

What we later found is that still was not happening and then as the workload started increasing and the processes started to come down, we started to see a conflict. They started to overlap, which is why we started to see some late hits. We then took immediate action.

Mr. SHADEGG. Were you in on the decision to reduce the amount of time that would be allowed for the fingerprint check to come back, was that your decision?

Mr. CROCETTI. To reduce?

Mr. SHADEGG. Right.

Mr. CROCETTI. Increase.

Mr. SHADEGG. No, reduce the time. There came a point in time when you reduced—Commissioner Meissner, is that correct—from 60 days to 30 days the amount of time?

Ms. MEISSNER. No, absolutely not. Absolutely not. The rule since 1982 based on the FBI's own standard for their processing time, the processing time that they required, the rule since 1982, which we simply continued, was the 60 day rule. That is to say that the fingerprints would be at the FBI for 60 days, and we would hold the file for 60 days. If we did not hear, we would proceed.

When we began last summer to receive some late reports from the FBI, post-60 day reports, we changed the rule to 120 days in September. In other words, we doubled the amount of time that we waited.

Mr. SHADEGG. No files were processed and no one was granted citizenship after a 30 day waiting period?

Ms. MEISSNER. The 60 days has been the rule. We hold the file.

Mr. SHADEGG. I understand that 60 days has been the rule, but that is not a response to my question. You are saying that no one was naturalized and no one was granted citizenship after waiting less than 60 days?

Ms. MEISSNER. Not to my knowledge.

Mr. SHADEGG. It is my understanding that was a policy decision that was in fact made. I would like to know if Mr. Crocetti was in on that process.

Ms. MEISSNER. If that occurred, it was against instructions. The policy was 60 days until it was doubled to 120 days in September.

Mr. SHADEGG. Mr. Crocetti, do you know if that ever occurred, people being naturalized without allowing 60 days for the file to come back?

Mr. CROCETTI. No, I do not. I officially became the Associate Commissioner 2 years ago February 1995. So I was not aware of prior policies.

Mr. SHADEGG. This would have been since then.

My time is expired. Thank you very much, Mr. Chairman.

Mr. HASTERT [presiding]. Thank you, Mr. Shadegg.

I would like to recognize Mr. LaTourette.

Mr. LATOURETTE. Thank you very much, Mr. Chairman.

Mr. Crocetti, if I may, I would like to followup where Mr. Shadegg started. He asked you a series of questions about your contract with Mr. Rosenberg, and who worked for who. I would like to reference a second series of e-mails that have come to our attention. One on March 19, 1996, and a second one that occurred on June 12, 1996.

The first one just begins, apparently it was sent by you to Alex, "Alex, why is David still out of town? I never seem to know where he is, why, or what he is doing. Despite my ongoing efforts, you seem to know much more about David than I or anyone else does, so I thought I would ask." It goes on for two more paragraphs in the same vein.

The second e-mail apparently talks about Mr. Rosenberg and the trip or trips to Capitol Hill that apparently also were made without you being informed ahead of time that it was going on.

In both, you get the sense that Mr. Rosenberg through his contract with you, and then later members of the Vice President's staff, begin traveling all around the country to the five targeted cities with the largest backlogs. Apparently, that caused some complaints or concerns.

Is it a fair observation that you received communications from the directors of those offices in some of those five cities that were being visited by Mr. Rosenberg, Mr. Farbrother, and other members of the Vice President's staff relative to the Citizenship USA project, is that a fair observation that you would hear from your folks in the field?

Mr. CROCETTI. Yes.

Mr. LATOURETTE. As I understand it, and I do not want to do any more than there needs to be done, but it appears to me, at least as I reviewed the materials, to have been some tension between the Citizenship USA Director, the contractor, Mr. Rosenberg, members of the Vice President's office, who were anxious to apparently have 1.3 million people registered by election day, and you, and the Commissioner who wanted to follow the rules.

Is that a fair reading of where we were maybe in 1995 and 1996?

Mr. CROCETTI. That is fair. I addressed this issue, at least the first e-mail, at the last hearing. That was an emotional reaction of frustration. One who knows me knows that I am a hands-on manager. It was difficult for me not to know what was going on in some of my programs that I am responsible for.

Mr. LATOURETTE. At the last hearing to go on, because you take pride in what you are doing, and you have been with the agency for 22 years, you made the observation at the last hearing that the

Citizenship USA efforts are nonpartisan and absolutely not politically motivated.

I am certain from listening to you this morning, and I have had a chance to see Commissioner Meissner testify before the Appropriations Committee yesterday, and was impressed by that testimony, it does not leave much doubt in my mind that that was the feeling of the career officials in INS.

I guess that I am more concerned about the political appointees, who may have come to INS during 1994, and 1995, and 1996. Let me ask you this in that line of questioning.

Who are the political appointees at INS in high level positions today, are you aware of any?

Ms. MEISSNER. I think perhaps I can be more helpful with that.

Mr. LATOURETTE. That would be great.

Ms. MEISSNER. I am obviously a political appointee.

Mr. LATOURETTE. I knew you were.

Ms. MEISSNER. The Deputy Commissioner is not. The Deputy Commissioner is a career Government employee. We have a number of political appointees. One is our director of congressional relations and another is the general counsel. Another is the Deputy Associate Commissioner for policy. There are a couple of special assistants.

Mr. Rosenberg is not a political appointee.

Mr. LATOURETTE. He is a contractor.

Ms. MEISSNER. Mr. Rosenberg is a contract appointee.

I want to be clear on this point of tension. The extent to which there was tension, it was between us as the INS leadership group involved in Citizenship USA and NPR. It was not NPR, Mr. Rosenberg, and the rest of the staff at the INS. I thought that there was maybe a little suggestion of that.

Mr. LATOURETTE. I understand and I appreciate that. I am glad that you brought that up. I do not like to attribute things to people, unless they want to have them attributed. One of the correspondence that we received, let me just flip to it, so I have the quote directly.

In one of the e-mails that has been circulated and discussed, there is an observation, and apparently this was coming from the NPR office, the Vice President's staff, "INS Commissioner Doris Meissner warns that if we are too aggressive at removing the road blocks to success, that we might be publicly criticized for running a pro-Democrat voter mill, and even risk having Congress stop us."

Was there such tension and pressures being put upon you as the Commissioner of the INS that led you—first of all, did you voice that concern in those words, to your recollection?

Ms. MEISSNER. As I testified yesterday, if you heard the testimony, we were certainly open to suggestions for ways to improve our work processes. We were absolutely not prepared and would not have in any way compromised the overall standards of the program. The impulses for the program are right there on those charts. They are applications that came to us, and an effort to do our work effectively.

I constantly expressed those goals and those objectives, and did not see this as a program that was political, or should be viewed through a political prism.

Mr. LATOURETTE. I heard you say that yesterday, and I appreciate you saying it again today.

But my question is, did you as the Commissioner and did you, Mr. Crocetti, in your position, resist suggestions from NPR or other officials within the administration that perhaps you should do other than what you just described?

Ms. MEISSNER. We did, we did.

Mr. LATOURETTE. There was an observation that at one point there was a request made that perhaps it would be a good idea if the President of the United States could send an individually addressed letter to each new citizen. I understand that was something that was explored and was rejected.

Would that be an example of that type of observation or request that was made of you that you rejected in an attempt to maintain the integrity of the naturalization process?

Ms. MEISSNER. Presidents have traditionally, of both parties, sent letters to new citizens. It always says, "Dear New Citizen." But there is a particular format that is used and a particular method. We simply insisted that that be done in the way that it has always been done.

Mr. LATOURETTE. My understanding of the way that it has always been done is that at the ceremony they had handed out a "Dear New Citizen" letter.

Ms. MEISSNER. That is right.

Mr. LATOURETTE. The request that was made by someone in the administration for a list with addresses, so a letter that does not say, "Dear Citizen," but "Dear Mr. Smith" would arrive at Mr. Smith's house sometime after the naturalization ceremony.

Would that be an example of the requests that were made of your department by the administration that you rejected, because it did not comport with the smooth running or the proper running of the naturalization process?

Ms. MEISSNER. We maintained the practice as it had been used before. Sometimes one needs to educate people about what those practices are, and that is what we did.

Mr. LATOURETTE. Thank you, Commissioner.

Mr. Crocetti, if I go back to you for just a moment. The Commissioner was kind enough to tick off the positions of those who are political appointees within the INS.

Based upon your 22 years with INS, is that the traditional level, the traditional number of appointees, who have been in INS, or that smaller or larger than you experienced with previous administrations?

Ms. MEISSNER. It is actually smaller. Having been with INS before, in the 1980's, I was particularly cognizant of the issue of political appointees. I made it one of my objectives to reduce the number of political appointees in the Immigration Service, and have done so.

Mr. LATOURETTE. Mr. Crocetti, back to you, and back to the e-mails that I began my questioning with. Obviously, there was some concern, at last based on your written communications, of your notification of Mr. Rosenberg's activities, and then later what the NPR staff, Mr. Farbrother and others were doing in other parts of the country.

When there were policy meetings concerning Citizenship USA, and I note from the materials that there were apparently a number of those ongoing during the course of the year, were you included in those, and were you able to participate in those policy strategy sessions, or were those conducted by Mr. Rosenberg, Mr. Farbrother, and people from NPR, who were interested in reinventing government in the naturalization process?

Mr. CROCETTI. I had absolutely no contact with the NPR people. In fact, the names mentioned, I would not even recognize them if they walked in the door. So I did not attend any of those meetings.

Mr. LATOURETTE. Let me interrupt you, since my yellow light is on. There are a ton of documents here that indicate that NPR was going around the country specifically talking about Citizenship USA.

Are you telling us based on your position at INS that you never met these folks, or had any contact with them at all, and did not know why it was that they were meddling in your program?

Mr. CROCETTI. Well, there is a two part question there.

Mr. LATOURETTE. It is about a three-parter actually.

Mr. CROCETTI. The first part, no. The second one with regard to meddling, it was always my understanding that it was part of a National Performance Review Project. We have over a dozen different NPR projects going on. I have several NPR projects within my own inspection program as well. So at times, I was aware of certain visits, and some of the meetings, but I was not privy to it.

Ms. MEISSNER. Let me help here. The NPR contact was first made with me, I believe. I asked the NPR staff to work with David Rosenberg and with Chris Sale, my Deputy. Those were the main contact points within INS.

Mr. LATOURETTE. If I could beg the Chair's indulgence just to followup on that.

Mr. HASTERT. Yes, one more question.

Mr. LATOURETTE. Somewhere in the e-mails and materials from Mr. Farbrother, who is an NPR individual, there was a suggestion made I think to the NPR headquarters that he replace your Deputy, because of dissatisfaction with her performance, Chris Sale.

Were you aware of that?

Ms. MEISSNER. I was not aware of that.

Mr. LATOURETTE. Thank you for your indulgence, Mr. Chairman.

Mr. HASTERT. Thank you, Mr. LaTourette.

Let me say to the members of the subcommittees, as well as to the witnesses, that a series of votes have been called. So we are going to recess until about 2, after which Mr. Barrett of Wisconsin will be recognized for 30 minutes. So we will stand in recess for a little less than an hour, and look forward to resuming the questions at 2.

[Recess.]

Mr. SMITH. The subcommittees will reconvene.

Without objection, I am going to insert into the record an editorial from today's Washington Post entitled "Burned Again."

[The information referred to follows:]

A20 WEDNESDAY, MARCH 5, 1997

The Washington Post

AN INDEPENDENT NEWSPAPER

Burned Again

ON SUBJECT after subject, this turns out to be a White House that you believe at your peril. Six months ago, Republicans were accusing it of trying to make political use of the Immigration and Naturalization Service. The charge was that the White House had put the arm on the INS to speed up and cut corners in the naturalization process, the theory being that new citizens would more likely vote Democratic than Republican, and therefore the more of them, the merrier.

The administration responded that there was no way it would do a thing like that, manipulate the citizenship process for political gain, and folks believed it. We ourselves wrote sympathetically that, while "some congressional Republicans suspect a Democratic plan to load up the voter rolls . . . the administration replies that there are good and innocent reasons for [the] increase."

So now, guess what? It turns out the White House was in fact leaning on the INS to hasten the process, in part in hopes of creating new Democratic voters. There are documents that amply show as much. The attempt was described in a lengthy account in this newspaper by reporter William Branigin the other day. It was centered in the office of Vice President Gore, where they do reinventing government projects. But it wasn't just another reinvention. "The president is sick of this and wants action," Elaine Kamarck, a domestic policy adviser to Mr. Gore wrote in an e-mail last March, the "this" being that the INS wasn't moving people along at the proper speed.

The Republican charge is that, in speeding up the process, the INS made citizens of some applicants with criminal records who should have been barred. The Democratic defense—the current version—is that some of this may indeed have occurred, but not because of political interference. Rather, it was the result of simple bungling. You are told now that you shouldn't take the political meddling in this process—essentially a law enforcement process—seriously not because it didn't happen but because it was ineffectual. Now there's a comfort.

The INS has long been an agency in disrepair. It had and still has a huge naturalization backlog, partly the result of increased applications after the grant of amnesty to certain illegal aliens in the immigration act of 1986, partly now the result as well of last year's welfare bill, which cuts off benefits to immigrants who fail to naturalize. The agency was already trying to cut the backlog, as well it should, and if ever there were a candidate for reinvention, it's the INS. So you had a legitimate project until the folks with the hot hands in the White House decided it should be a political project as well, at which point it was compromised.

Some of the worst ideas ginned up in the White House never got anywhere, in part apparently because of stout INS resistance. Nor is it yet clear how many people with disqualifying records were made citizens, nor how much of that was due to political pressure and how much to just plain everyday incompetence. But in a way it doesn't matter. What matters is that once again the political people couldn't keep their distance from a process that should have been respected and left alone on decency-in-government grounds, and then they were untruthful about it. Who believes them and goes bail for them next time?

Mr. SMITH. With that, I am going to yield 30 minutes to the gentleman from Wisconsin, Mr. Barrett.

For the record, I would like to say that I am willing to bet that after Mr. Barrett begins, it is very likely that the gentleman from North Carolina, Mr. Watt, will speak. I will predict that the likelihood will ripen into a fact. With that, I will yield to Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman. We appreciate you holding these hearings today.

Commissioner Meissner, and others here, I want to welcome you all. Particularly Commissioner Meissner, because you have ties to the State of Wisconsin. The Meissner family is certainly known for its public service both in Wisconsin and here in Washington, DC. So it is nice to have you and the other panelists before us.

What I would like to do in maybe my 10 minutes is sort of reconstruct some of the problems that have been in existence in INS over the last decade and a half. The reason for me to do this is I find this in many ways to be an ironic hearing.

We have a situation here where there is a government service, and the government service has not been provided on a timely basis. If one were to blindfold the people in this room or look at the political rhetoric, I think you would hear members from the majority party, the Republican Party, crying about the inefficiency of government, and how people should not have to wait to be served, and that we should be moving this process along quicker.

Clearly, that is exactly what Citizenship USA is all about or was all about.

At the same time, I think all of us, and we have heard many Members here today, talk about the unacceptability of having anyone slip through the cracks in this program. Citizenship is one of the most coveted gifts that we have in this Nation and for people to receive this gift when they do not deserve it is simply wrong, and is something that we should make sure does not happen again.

But what I would like to do, and maybe, Commissioner Meissner, you can help me, as I started learning about this process, and in particular learning about the role of sending information over to the FBI, the fingerprints, I was frankly somewhat surprised to learn that there was a policy that dated back to 1982, and it was instituted as I understand by the FBI, that in essence said that if you do not here from us, everything is OK.

Can you tell us about that policy, when it started, and why it started?

Ms. MEISSNER. Mr. Congressman, thank you for your kind remarks first of all. It is nice to see somebody from Wisconsin.

The 1982 policy on fingerprints is, as we have testified, a policy that was established at that time in conversation with the FBI. It is an INS policy. It was based on what we called the FBI standard, which is the FBI is able to and has been able to process fingerprints within a 60-day period.

At that time, as I understand it, again with the heavily paper laden processes, the idea of operating on an exception only basis was an idea that was based on the confidence that each agency had in the FBI's ability to turn these fingerprint reports around, and do the search within 60 days.

The effort, of course, was one of giving us an answer when we needed it, but not showering us with paper in the vast majority of the cases where there was no information.

That was, as I understand it, a business practice sort of decision that was made at that time and as has been pointed out here, it has carried forward ever since.

Now there have been references made to the GAO report and the OIG audit in 1994 that pointed out weaknesses in that system. Indeed, not only did those reports do that, we have been aware that there are weaknesses in the system. When I used the word potential weaknesses, I used it, because if a system where you have a 60-day notice period is working fully, then it is serving your needs.

It by and large, I believe, served INS' needs when we had backlogs. Because when you have backlogs, and chronically the Immigration Service has had backlogs, particularly in this category of applications, whether or not the 60 days is met, you are holding on to the case for a year, or a year and a half, or 2 years before you get to it.

Even though the 60 days is not met, you are going to get a report from the FBI even in the small percentage of cases where they might not meet the 60 days. So for us, where it ultimately became an actual operational weakness is when we became timely, in other words when we were processing applications within 6 months, which was the goal which we had set for ourselves, which had also been our longstanding standard.

That point arrived during the summer, in July and August. Now I want to back up a little bit in time also though to say that the 1994 OIG and GAO reports on the inherent weakness in the 60-day process was not something that would be ignored.

We took a series of steps. When Congressman Smith asked me about this earlier, I think that he understood me to be referring to steps that have been taken since November. That was not what I was trying to point out.

I was trying to point out that since 1994 when those reports were given to us, a whole set of improvements had been made and were continuing to be made to manage that fingerprint process as effectively as possible.

Those steps included, as I said, a very, very high percentage of the hiring of clerical staff. More than half of the staff that we hired, and the design that we created for Citizenship USA, was done for the purposes of creating the administrative support that we needed to handle fingerprints, and the other paper that was involved in this process.

We set up single points of contact in all of the offices through which to channel the fingerprint work, so that we were certain that it was done on a timely basis.

We had developed the regulations and the concept for these designated fingerprint services, in order to overcome what had been established in the OIG report as a weakness, which is no good reliability on the fingerprints themselves without the proper training for the people who were taking them.

So we were in the process of not only putting the regulation into place, but creating an entirely new mechanism for registering and training fingerprint takers.

Mr. BARRETT. Let me interrupt you there, if I could, because Congressman Bono had a question about that. I think that his concern was that you may have private businesses now that are doing this just to sort of paint a picture.

If I and my brother came here, and I had a record and my brother did not have a record, what safeguards are in the system now to make sure that I do not use my brother's fingerprints?

Ms. MEISSNER. The fingerprint takers are all security cleared by us. They are all trained. They sign a basic set of agreements with the Immigration Service to verify identity when they take the fingerprints and there is a considerable procedure and set of requirements.

Mr. BARRETT. But they can be taken privately, right?

Ms. MEISSNER. Yes.

Mr. BARRETT. Just for my own benefit, what is the going rate for having your fingerprints taken? Maybe Mr. Rosenberg would know that.

Ms. MEISSNER. I do not know the answer to that. We can find out.

Mr. BARRETT. I was just curious.

Ms. MEISSNER. Ultimately, as I said, early in 1996, we set up what we called a fingerprint clearinghouse, a fingerprint coordination center, through which all fingerprints from our district offices were submitted to the FBI, and then received back from the FBI either in the form of the arrest record, or in the form of rejected prints that might have to be sent again.

All of these things preceded any of the difficulties that have arisen now over the last several months that are apparent in this audit. As I say, they were not answers, we can see at this point, that were up to the task, but they were an effort to improve and make reliable a system that had been in place for 15 years as we were doing a series of other major reforms.

Let me just say that now in terms of going to the 100 percent policy, we have not only gone to the 100 percent policy, but we have a much healthier and more vigorous interaction with the FBI on how to transfer this process. In other words, we are going to electronic capture of fingerprints. We are beginning to pilot those methods of scanning and electronic applications and usages this spring, so we are not dealing with these people.

Mr. BARRETT. Let me go on, if I can. Because some of my colleagues on the other side of the aisle label this a scandal or a severe problem. I have the audit report, the U.S. Department of Justice, Office of the Inspector General audit report, dated February 1989, which was a special audit of the Immigration and Naturalization Service.

In it on page 27, it states, "In our 1986 audit of the adjudication process, we found that in the 349 cases reviewed, that 163 disclosed no evidence of the required background investigations being conducted. In our current review, we examined 51 cases, and found that virtually 100 percent of the cases also showed no evidence that background investigations and fingerprint checks were conducted. As a result, unfit persons may be allowed residency."

When you took control of this agency, were you aware of these failings in the past?

Ms. MEISSNER. Those specific items, I was not aware of. But I certainly was aware of the 1994 OIG and GAO reports. It is clear in the e-mail traffic and other documents in the agency, that we have all been concerned about the fingerprint issue.

I wish that we could have been more prophetic about it. I wish that we had been able to realize that the whole approach, the whole premise, for the way in which we were doing fingerprints needed to be turned on its head. We were not that prophetic. We tried to make improvements to an existing process.

Mr. BARRETT. Do you feel confident now that the changes you made have been successful?

Ms. MEISSNER. I believe that they are the proper changes. I believe they will be successful. I think that we heard from the earlier panel that both GAO and the Justice Department believe that this is the proper concept and the proper premise to use. As I said, we will quite quickly now be moving into electronic methods for doing that.

Mr. BARRETT. I will yield to Mr. Watt.

Mr. WATT. Thank you.

Commissioner Meissner, there have been a substantial number of allegations, about politics being involved in this effort to get the backlog down. I just wanted to inquire about another element of politics that has also been alleged, and see if you can tell us what if anything you know about it.

According to the information that I have been provided, in October 1996, you helped to furnish two congressional committees with confidential FBI files on about 50,000 of the naturalized citizens in response to a congressional subpoena.

I understand that these files contained sensitive personal information, and that you went to great lengths to ensure that personal identifying information was redacted before the files were released. Of course, I want to commend you for that. You have to respond to a subpoena, but there are certain privacy rights that you must honor.

There have been allegations that these files were then reviewed by inexperienced interns, and even by Republican National Committee staffers. There are allegations that in fact what these people were looking for was maybe an immigrant Willy Horton for purposes of this past political campaign.

In the course of the review, it has been alleged that sensitive data and information was released to the press in key States, key States being ones that were in play politically, and the Republicans were making an extra special effort to win those States, just before the election when this information was released.

Could you confirm all or any part of what I have just said? Because at this point, all I know is the allegations that I have read in the newspapers. I do not want to prolong this, if those allegations are unsubstantiated. But if there is substantiation of it, I think that we need to put that into the record, so that we can make it clear that if there was politics, that it was not only on one side that was going on.

Ms. MEISSNER. We did receive a subpoena, the Director of the FBI and I were both subpoenaed, the same subpoena, to produce, I believe this was in September, the criminal history records of all

people naturalized under Citizenship USA, criminal records where they existed for people naturalized under Citizenship USA.

Criminal history information, FBI records, are private records. They are sensitive, and private records. So that was an unprecedented request. Now those records are under the responsibility of the Director of the FBI. They are not the Immigration Service's records. They are the FBI records.

So the decision in terms of turning them over and the method by which they were turned over, and the ways in which the redactions were done, et cetera, were a matter between the FBI and the Justice Department.

That work was done on a very fast time table as a matter of fact. The redaction was done for the purposes that you pointed out and they then came to the Government Reform Committee.

Now let me just say, because it is very important, for the purposes of this inquiry and for the purposes of the people who are involved in this issue, that an FBI rap sheet, or as we call it in our audit now an FBI IDENT, or an FBI criminal history report, those are all terms that describe the same thing, is generally only an arrest record.

Typically, those arrest records do not include conviction or disposition information. The vast majority of them, as I understand it, do not include information on the disposition of the case. They are difficult to read, and very difficult to decipher, because of various codes that are used, et cetera.

I for the first time saw rap sheets as a result of this subpoena in September, and I will confess to you that I cannot read one. I cannot make sense out of one.

It is very important in terms of the statistics that we have given you here, and important in terms of understanding what we are doing in Lincoln, and in the audit here, because we have arrest records. One is not barred from naturalization——

Mr. WATT. Commissioner, I know that you do not want to accuse anybody of doing anything, but I want to find out whether there is any basis for that allegation that those rap sheets or that information was leaked and accessed by some improper persons.

Ms. MEISSNER. All I know is that we turned them over to the committee, as we were asked to. I saw a picture in the Washington Post several days later of a hearing room like this is with boxes all over it that presumably was a picture of people going through them. The boxes were labeled A through H or something. I know that we did not supply them in alphabetical form, because that is not the way that they came to us. That is all I know.

Mr. WATT. So you do not know whether they leaked them or not?

Ms. MEISSNER. No.

Mr. WATT. I am not trying to get you to say something that you do not know.

Ms. MEISSNER. That is all I know.

Mr. WATT. I just want to know whether there was any basis for the allegation, as far as you know.

Ms. MEISSNER. But again in reading them, whoever might have read them, it would have been difficult if not impossible to determine who was not qualified to be naturalized as a result of reading

that rap sheet. One simply would not be able to tell that. One would have to go back to the file and talk to the applicant.

Mr. WATT. Let me get to a more germane issue in this hearing that I want to be clear on. I am running out of time. So I am going to ask Mr. Martin, the legal counsel, if he can just give me a quick capsule on this.

The denaturalization process, apparently we have got 168 people who are presumed to be in this country illegally now as a result of the audit that has already taken place, and the possibility that some others could possibly occur, is likely to occur, as the chairman says.

What is the denaturalization process, and how quickly can we determine that they are ineligible, and get them back out of the country, denaturalized?

Mr. MARTIN. Traditionally, the process of denaturalization, like the process of naturalization, was judicial. That was changed in 1990, and became an administrative process primarily, to naturalize, and also open up the possibility of administrative revocation. That is the process we are embarked on under the regulations that were adopted in October.

It depends really on the response of the individual. The notice under the administrative process, the notice of the intent to revoke, goes out by personal service. If the individual does not respond within 60 days, or chooses to admit during that time, that is deemed an admission, and that can become the basis of a revocation. If they choose to contest, then other things will happen, and there is an appeal process, and judicial review.

I am glad to have a chance to clarify a little bit, because there may have been some misunderstanding in my earlier exchange with Mr. Smith. The process overall focuses, our process has been focusing on people who are disqualified by reason of a felony conviction.

There are cases like that which are really very clear. I cannot imagine why someone would want to contest. We would have the conviction records, and it will be clear that they are disqualified.

That comes under the heading, in the way that the statute is written, that comes under the heading of good moral character. So when I addressed your question earlier, I was focusing on those issues. There are a number of other statutory provisions having to do with good moral character, and we will be looking at each one of those. Others may apply as well.

But what I want to be clear about is that there are some circumstances in which a crime clearly renders one ineligible to naturalize. There are other circumstances in which a crime, for example, outside of the 5 year required residency period, may be taken into account, but is not absolutely disqualifying. It is up the examiner to decide.

We are not in a position to second guess an examiner's decision in those circumstances. My answer was addressed to those cases of clear ineligibility based on the felony conviction that we have documented.

Mr. SMITH. Would the gentleman yield?

Mr. WATT. I will yield. I feel like I am kind of treading on Ms. Lofgren's time, though.

Mr. SMITH. Any time I take will be added to the time of that side.

Mr. WATT. Thank you.

Mr. SMITH. Mr. Martin, I want to followup here, because it seems to me that you may be shading some differences. The question that I asked you earlier was intended to elicit from you the response of whether or not the serious types of felonies, or whether or not you had an instance where there may be several misdemeanors committed in the last 5 years that would fall under the category of an individual having bad moral character, that in either case that you were going to attempt to denaturalize those individuals.

Is that the case?

Mr. MARTIN. What I want to be clear about is what our process is focused on. The Nebraska process is focused so far on the felony cases. We are getting information through the other process that I mentioned.

Mr. SMITH. There are two categories of individuals who are not eligible to become citizens. One are the individuals who are disqualified by the nature of the felony. There is another gray area of individuals, who are disqualified because of the subjective decision made that they do not have good moral character. It might be the number of misdemeanors in the last 5 years, for example, and who therefore are not eligible for citizenship.

Are you going to attempt to denaturalize both categories of individuals, or just the hardened criminals, or the individuals who are disqualified by the nature of the crime itself?

Mr. MARTIN. I have to be precise about this, because the actual language of the statute that sets the standards that does not break down neatly by felonies and misdemeanors.

Mr. SMITH. The question is are you going beyond just the individuals who by the nature of that specific crime is disqualified from being a citizen, are you going beyond that?

Mr. MARTIN. If your question means that it is a situation where the examiner could have, at the time of deciding on naturalization, decided negatively, but was not mandated to do them.

Mr. SMITH. Correct.

Mr. MARTIN. And went ahead and issued a positive decision. No, we are not going to go back and look at that, because our reading of the statutory and case law standards does not permit us to do that.

Mr. SMITH. That should be more important, because the number of individuals who are denaturalized, the percentage of individuals who are not eligible to become citizens on the basis of that serious felony conviction, is a very small fraction of the total universe of individuals who are not eligible to become citizens.

You are saying today that the vast majority of individuals who are not eligible to become citizens, you are not going to try to denaturalize.

Mr. MARTIN. No, no. If it was a case of clear ineligibility, that is the case that we are going ahead with. If it was a case of discretionary judgment, so that the examiner at the time of the examination could have found a lack of good moral character, but was not required to, that is what we are not going to go back and look at.

Mr. SMITH. That category, do you agree, is a lot larger category than the individuals who have been convicted of serious felonies?

Mr. MARTIN. I do not know what the group is. What I want to emphasize——

Mr. SMITH. Historically, that category is a heck of a lot larger than just the individual who has committed the serious felony.

I thank the gentleman for yielding. I will yield back to Mr. Watt, and you can answer him if you want to.

Mr. BARRETT. Ms. Lofgren.

Ms. LOFGREN. Just getting into this, there is case law on who can be denaturalized and who may not. I do not believe that you have the right as an administrative agency of the Federal Government to violate the laws relative to denaturalization.

Obviously, there are some gray areas where judgment is being made. For example, if you have someone who is 24 years old and just got their Ph.D., but as a teenager they had a conviction for a drug offense 5 years beyond their current time. There is discretion to make some different judgments about whether this person currently possesses good moral character.

I think, if I am hearing you correctly, what you are saying is that the individual examiner in cases such as that reaches a determination after reviewing all of the evidence following an interview, which is the way that this has always worked, and I would suggest the way that it should continue to work.

I do want to go into another item. As I mentioned this morning, I think it is regrettable in a sense that we are doing this today instead of after April 30th when the report is done, and we actually have some information instead of guesswork before us.

But there is an up side to whatever errors were made in this whole thing. If I am hearing the Commissioner correctly, there is a new interest in automation in the agency, which I think is well overdue, and certainly not new with your tenure, Commissioner. In fact, I think you have done a lot more than your predecessors to bring automation to the agency.

I remember that years ago, I think in 1972, when I went to San Francisco, then district director Dave Ilker took me up on the second floor of the building on Sampson Street, and there was an entire city block of paper files by number. If you misfiled a piece of paper, you would never find it again, never in a million years.

Actually, it is not that much better today than it was then. I would just encourage you to automate as quickly as possible, and to identify resources that might be required by your agency to do so.

We are always reluctant to invest funds in things that over the long run will save us money. But there is clearly an area where if we had made the investment in technology 10 years ago, or 5 years ago, that should have been made. That we would not be sitting here today with all of the time and effort that is going to be put in by Members of Congress, and our staff, and the Justice Department, and you and your staff, because this would have worked very smoothly.

Ms. MEISSNER. I could not agree with you more, and it is my favorite topic. I would just say a couple of things in response. As you know, the Service has been receiving unprecedented levels of re-

sources in the last several years. We have grown by an extraordinary amount. In each of those budgets that we have submitted, over half of the money that we have asked for, and happily have been given, has been in technology and technology improvements, in order to modernize the agency.

Unfortunately, those technology improvements have not arrived at the naturalization doorstep as early as this flood of applications arrived at the naturalization doorstep. We have been using the technology first and foremost at the border in a variety of other of our enforcement activities, because those were the first priority for the administration, as well as for the Congress.

However, in the process of delivering technology to our agency, which by the way, our employee base has grown by 7,000 in the last 3 years, so it has been running uphill just to stay in place in this connection, but two-thirds of our employees have automation on their desks that they did not have 4 years ago. So there is enormous and immeasurable progress here.

However, where it bears on citizenship and where it bears on the FBI record question is in the area of fingerprints, because we have been using an automated fingerprint system at the border. It is a system called IDENT. We are not only today using it at the border, but in our detention centers, and in our asylum offices.

It deals only with 2 prints, but its the same technology that can be used for 10 prints. We are now, and in the next several months, integrating that into our work with the FBI, or integrating that technology into our work with the FBI where fingerprints are concerned. That is to say the front end capturing of fingerprints will be able to be done through scanning mechanisms, and that will increase reliability and efficiency, and it will be less labor-intensive.

Ms. LOFGREN. What I would like to do, not at this hearing, but maybe in conjunction with other members of the committee, and yourself, and the State Department, is to explore the use of technology in a much broader sense.

Today, you can take a fingerprint, a thumb print, and put it on a little strip at the bottom of a credit card, and it is the same data that you would have from the actual print itself.

I think that we need to take a look the pulling together technologies, so that we have positive identification on passports, and on permanent residence cards and that you can transmit this information in real time on line. We are not there yet. If we could be there, none of this would have happened, and we would have saved a lot of money.

One final question, and then I know that we have to yield back. There have been discussions in the press I think primarily about people registering to vote. I think that a lot of people did register to vote this last year. I know that in California that people who had not thought about becoming a citizen for years and years, and the passage of 187 and the welfare debate here got people to thinking why had they not done that.

Thousands of people decided to throw their lot in formally with this country, something they had done in an unexamined way for years. Now the Catholic Church has been the biggest promoter of naturalization, and I would say also registration back in my district, along with the League of Women Voters.

I am not aware that the Immigration Service played any role in voter registration or anything of that nature, but maybe it did elsewhere in the country.

Is that something that the agency did?

Ms. MEISSNER. Voter registration is the responsibility of States and of State registrars. It is not a responsibility of the Immigration Service. Obviously, I am responsible for administering the immigrations laws. Voter laws are entirely separate from that.

There has been a long tradition of voter registration opportunities being made available at naturalization ceremonies.

Ms. LOFGREN. I have seen that. The League of Women Voters has taken a lead.

Ms. MEISSNER. Exactly. The League of Women Voters, the DAR, the Veterans of Foreign Wars; there are many organizations that often come to naturalization ceremonies to encourage voter registration. We encourage that.

Ms. LOFGREN. It is sort of like good government, here are the forms type of thing?

Ms. MEISSNER. Exactly. Obviously, we would hope. One of the great benefits of citizenship is the ability to vote. We would hope that new citizens and existing citizens obviously take advantage of that. But it is not something that we are responsible for.

Generally, the naturalization ceremonies themselves are under the aegis of Federal judges. It is really the Federal judges that set the terms for what is going to be allowed on the site where the naturalization ceremony takes place. Most of them are very welcoming of voter registration efforts. We facilitate that, but we do not in any way do it.

Ms. LOFGREN. Just in terms of the dynamic of voter registration, because I do think that it is important that we outline what has happened in certain key States, and I can speak about California but not for the rest of country, and explain that this is not some evil plot.

What I have observed, and there are different immigrants from different parts of the world who historically had tended to be in one party or another or not in any party, and there are these patterns that were broken after 187 appeared on the ballot in California.

People who had always been a member of one party stood up and said I do not think I am in that. People did not feel valued. There were people who felt that they were hated, because they were not native born Americans. There was a big political change that went on that I found actually very surprising.

There was also a real effort among people who had had that awakening to go out and become a participant in the electoral process. That is a natural phenomenon of rhetoric and perceptions about who is on whose side, not a campaign activity, because you could never utilize that as a campaign activity.

Ms. MEISSNER. I think that it is really instructive to look at the second chart in relation to that point, because there are two steep inclines. There is a reasonable level of applications, which has been our longstanding backlog, that has slowly increased. But the sharp increase has come during the fall of 1994 when Proposition 187 was on the ballot in California. The second sharp increase comes after August of this past year when welfare reform was enacted.

Those are clearly external circumstances that generated a response among eligible immigrants, that simply could not have been predicted by as much good work as we did try to do. We knew and were able to predict the hump that the legalized alien population eligible for naturalization was likely to create in these years. It happens to be exactly in this period as well.

We also know that the green card replacement program that we went through, in which we are trying to upgrade the documents of people who are longstanding holders of green cards, that generated naturalization applications, because the fee was almost the same. So many people simply applied for naturalization in place of replacing their green card. That is the left side of that yellow chart. The other big increases are these external events.

Ms. LOFGREN. I would just conclude that I thought that speeding up the process was a good thing to do. None of us wanted something where all of the bases were not touched and that is unfortunately what happened in some of these cases. But to do things quickly and expeditiously is important compared to having people wait for years. It is so frustrating.

Hopefully, we will be able to be efficient, and get these applications processed promptly again in the future, while making sure that all of the things that we need to do are in fact done. But even if there is a delay, we have a huge increase of people still, at least in my area, and I think throughout California, who are going to apply to be naturalized, who under law have a right to be naturalized, and will be naturalized.

I think to the extent that we let anyone believe that we are calling our new citizens criminals, then we are encouraging them to be alienated from the political processing a way that is not healthy, and we ought to be very cautious about that.

Ms. MEISSNER. Could I just pick up on the speeding up though? What we have been looking for always and will continue to look for even with, as you say, the steep increase that we are receiving now this year, we are looking for a timely process. We did not speed up for the sake of cutting corners or creating shortcuts. We were simply trying to meet our responsibilities to process in a timely way.

Right now, we believe that is a 6-month process. We hope to be able to return to that standard when we get over the readjustment that is involved in putting these new procedures into place.

We are going to have a very hard time doing that with the 1.8 million applications that we get this year, but we will try very hard to stick close to the 6-month processing time consistent with the integrity of the new process. But it is not really speeding up. It is just handling the work in a timely fashion.

Ms. LOFGREN. Maybe using speeding up was not a good word. But my observation is this. I will just use San Jose, because it really just drives me up a wall as to what is going on there which is huge backlogs, and getting worse daily. No one can get even to the office. You cannot get answers on the phone, because no one will answer the phone, and it is always busy.

We are calling, because someone's mother needs this, because she has to go to the funeral and wherever. The problems, we are calling. They are having to deal with us, and they are getting fur-

ther and further behind. Because being delayed leads to other problems.

You have this tidal wave of people who are applying right now. The Catholic Church has had signs up on posts saying Citizenship Today, Vote Tomorrow. They are out signing up a lot of people. They are running English classes, and citizenship classes. The county is helping, and other do-gooder organizations.

I just think that unless something breaks through and there is a lot of additional staff swarmed on this problem, they are just going to get buried.

Ms. MEISSNER. Well, let me say that we now, just last week, had a major reprogramming of funds approved by the Congress, both the Senate and the House. That has been pending since November and December and it has been the critical piece in order to deal with this 1.8 million.

We are now going to be able to assure our staff that they will be able to stay in their jobs. We will be able to fill in places where we have had attrition. We have the funding now that we need. We are, as I say, in the throes of implementing a whole range of new procedures, which are detailed here, and which are taking some time to adjust to. But we are doing everything that we can to cope with it and we will do everything we can to be sure that these processing times are managed as effectively as they can be.

Mr. SMITH. Thank you, Ms. Lofgren.

We will revert to the 5-minute rule. I have a couple of questions, and I know that Mr. Barrett has a couple of questions, and other Members do as well.

Mr. Martin, I want to go back to you. I cut you off, and I want to give you the opportunity to clarify who would be subject to deportation. I am not trying to trip you up, but I am trying to get to the truth here. So let me ask you a series of questions to try to define exactly who will be in fact denaturalized.

First, if the person committed a crime that would make them ineligible under statute or regulation, you are going to seek their denaturalization, is that correct?

Mr. MARTIN. That is correct.

Mr. SMITH. The second question. If the audit shows that a person lied or misrepresented the truth during the process, which normally would disqualify them, or make them ineligible to become citizens, are you going to seek the denaturalization of those individuals?

Mr. MARTIN. That is among the cases that we are looking at. The issue arises because of the standards out of the Supreme Court decisions. The question about whether we have to establish that is material under one of the definitions in the Kungys case of a few years ago to proceed with that.

Mr. SMITH. I understand that. If the individual did in fact lie or not tell the truth, you are going to try to denaturalize them, if you so determined they lied?

Mr. MARTIN. In every one of these cases, I want to emphasize that we have to have sufficient evidence that will meet the clear and convincing evidence standard. That is exactly what we are looking at. But those cases are among those that we are looking at for those purposes. Those will be harder to establish within the

Kungys standard than the one where there is a clear conviction record and statutory ineligibility.

Mr. SMITH. What I am driving at here is under normal procedures if someone has been disqualified for those reasons, you are going to try to denaturalize them?

Mr. MARTIN. I am not quite sure that I know what you mean by those reasons there.

Mr. SMITH. Under the normal audit, under the normal procedures, where they are interviewed and asked questions, and if they lie about the answers, that normally is grounds for disqualification for ineligibility.

Mr. MARTIN. The only reason I am having trouble, and I am also not trying to evade an answer here, is the standards for that may differ. A person can be denaturalized for willful misrepresentation or concealment of a material fact and we are looking at those cases to establish that. There is also a framework in which it can be done as part of false testimony.

Mr. SMITH. Let me yield to the gentleman from North Carolina, and I will come back and followup.

Mr. WATT. I think that Mr. Martin may be misunderstanding your question. I do not think that Chairman Smith is trying to find out whether you are going to win the case. The question is whether you are going to try to denaturalize under those circumstances. I would assume that the answer to that question is yes, that you are going to try it. But because of the standards, it may be problematic whether you can succeed.

Mr. MARTIN. That is right. But there is a judgment process initially as to which cases are worth beginning that process. I need to decide about how we need to respond.

Mr. WATT. If somebody has lied to you, if there is a substantial allegation, and you have got some proof that they have lied, I assume you are not just going to say well, that is OK.

Mr. MARTIN. No, we are not going to say that.

Ms. LOFGREN. If the gentleman would yield.

Mr. WATT. It is his time.

Mr. SMITH. I have got the time, and I would be happy to yield.

Ms. LOFGREN. It is a judgment call. For example, under the code, if you are a habitual drunkard, you are not eligible to be naturalized. So let us say that the applicant is asked how much does he drink and he says well, you know, maybe a beer every other week and in fact, it is more than that, he has a whole six pack with his brother-in-law at the football game.

Is that material to his application, does it make him a habitual drunkard? I mean there are some judgments. If it does not fall within the parameters of what the court has outlined, you do not want to bring a case that you should not bring.

I think the question is for cases that really fall within the parameters that the court has set, do you intend to vigorously pursue them? I would hope that the answer is yes.

Mr. MARTIN. Yes, that is right.

Mr. SMITH. Thank you all for your contributions. I think that did clarify the issue.

The next question I have is under Section 318 of the Immigration and Naturalization Act, that section bars the naturalization of any person who has a pending deportation against them.

Are you going to seek deportation of those individuals?

Mr. MARTIN. When we have evidence of that, that is also one where we are going to go forward. We have to have the information. I do not want you to think that the Nebraska process is specifically targeting that. The Nebraska process is focusing now on the felony cases, and we will see where else it proceeds.

But it is certainly among those that the guidance covers, that was issued in December. If the district office has information of that, that a mistake was made, that is within the regulations, that a mistake was made because there was a pending deportation proceeding, that is one which they are to write up and refer for general counsel review.

Mr. SMITH. Are they instructed to notify you of those cases as well?

Mr. MARTIN. The way that the process operates under the guidance, the field operations staff and the district director's staff identifies those cases, prepares it, and then refers the proposed notice of intent to revoke to the district counsel's office for legal sufficiency review.

Mr. SMITH. I am hearing, I think, generally that you are going to try to denaturalize those individuals, whether it be that they allegedly violated good moral character, or committed felonies, or deportation orders, is that correct?

Mr. MARTIN. That is right. The point that I was trying to make earlier. You used the term serious felonies, and there are other crimes there. The good moral character standards are complex. There are eight different subcategories, and habitual drunkard is one of them.

We are not confining our review to aggravated felonies. We are looking at other crimes involving moral turpitude and other possible grounds there. But some are easier to prove than others. So we have to make judgments.

Mr. SMITH. I understand that. I think you answered my question by saying that you are not limiting it to the serious felonies.

Mr. MARTIN. That is right.

Mr. SMITH. Mr. Watt pointed out awhile ago that I am not necessarily asking you to win the case, but I am asking you to try the case. That is what you say you are going to do.

My last question is in addition to the cases that we have just discussed, you have 180,000 individuals whose fingerprints were never checked.

Will we ever be able to get fingerprints from those individuals to identify who were qualified or not qualified to be citizens?

Mr. MARTIN. Well, there may be ways in which we can request it. We are not able to subpoena that, if the people have been naturalized, under a Supreme Court precedent.

Mr. SMITH. The only way to get those fingerprints is if the individuals themselves are willing to come forward upon request and supply those fingerprints, which I think leads to the reasonable conclusion that if we have somebody who should not have been nat-

uralized, they are not going to voluntarily come forward, is that your assumption as well?

Mr. MARTIN. Well, there is a wide variety of people within this case load. I think that until the review is concluded, that it is not useful to generalize about that. There may be other ways in which we would have a fingerprint card available from the previous file.

Mr. SMITH. Is any effort going to be made to get fingerprints from those 180,000 people?

Mr. MARTIN. We cannot call them in and compel them to do that. We are reviewing other possibilities as to how we might deal with that class of cases.

Mr. SMITH. The only way to get those fingerprints is to ask them to voluntarily supply them, is that correct?

Mr. MARTIN. Unless it is available from some other source. But from the individual, yes, that is right.

Mr. SMITH. Are you going to ask any of those 180,000 people to voluntarily supply fingerprints, is a letter going to go out to them?

Mr. MARTIN. With regard to those particular categories that you are talking about, there are a variety of possibilities of how those can be addressed. I have not been involved deeply in those discussions, but those are being considered right now as to precisely how we proceed with addressing those categories of cases.

Ms. MEISSNER. If I could just help here, and say that it is true that we have not reached a decision yet on how we are going to treat those.

Mr. SMITH. Have you at least made the decision that you are going to attempt in some way to get those fingerprints?

Ms. MEISSNER. We are attempting. That is part of the ongoing review. We are attempting a variety of ways of dealing with these issues and the 180,000 is not the 180,000 per se, as 113,000 of them have had a name check. So they are different from the 66,000. But we have not reached a final conclusion on how to deal with it.

Mr. SMITH. As you know, they are not entirely reliable.

Ms. MEISSNER. They are not as reliable, but they give us a much stronger indication of that population than of the 66,000.

Mr. SMITH. Thank you, Mr. Martin.

Thank you, Commissioner Meissner.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. BARRETT. Thank you.

Mr. Martin, in your testimony today when you talked about habitual drunks, you gestured toward Ms. Lofgren.

Mr. MARTIN. That was only because she raised the point earlier, sir.

Mr. BARRETT. Not that she fit that category.

Mr. Martin, we will stay with you. It was Mr. Colgate's testimony that 113,000 cases were returned to INS by the FBI as unprocessable, and did receive the name check only.

How definitive is the name check, if we can talk about that for a second, how accurate is that?

Mr. MARTIN. I am not an expert on the name check process.

Mr. BARRETT. Maybe one of the other panelists would be, or who feels comfortable answering that question, if anybody?

Ms. MEISSNER. I feel guardedly comfortable concerning that question. I can stop after about two sentences.

That process is a process that is used. The name check process is used for many law enforcement purposes. It is used to implement the Brady bill. It is used by local and State police. It is the NCIC system that is used regularly by State and local law enforcement officials.

It is a legitimate tool for determining criminal background and criminal history information. It is not as reliable as the full fingerprint check.

Mr. BARRETT. Do you know what percentage of people who show up in the two categories, what percentage of people can you check, do you have any idea?

Mr. Rosenberg is there shaking his head. Is that because you cannot answer the question?

Mr. ROSENBERG. I believe from the research so far that we have not found a definitive statement that people felt comfortable with as to a scientific correlation between the two. There are different studies of different populations and looking at correlations. So there are different opinions on that that have been done over the years.

Mr. BARRETT. That is fine.

As we have listened to the testimony here today, clearly there have been problems with INS. I think that everyone in this room recognizes that. There are charges that go back and forth as to whether there is political pressure being placed on the agency.

I, as a politician, I certainly understand where a politician may want people that he or she thinks would vote for them based on public policies that have been undertaken, that would want to encourage or want to discourage people from voting.

I think that your agency has done a very good job in withstanding any type of pressure from both parties in doing that. I want to encourage you to do that in the future.

But in my district, the issue that comes up is not how much INS has been involved or what types of pressures have been involved in naturalizing citizens. My pressure comes from people who want to become naturalized, just as it does I think in Ms. Lofgren's district.

What we as politicians are trying to do is respond to that. If I have anyone coming to me dealing with any government agency and says it is going to take me 2 years to get a response from a government agency, I am going to be upset by that.

So I would sort of like to move to the future. I look at that graph, and I am nervous. I am nervous, because I see that sharp incline, and I do not know when that incline is going to turn around. I do not know how much higher it is going to go.

So what should I be telling my constituents, who call our office and are very frustrated, what message do you want me to take to them?

Ms. MEISSNER. Well, the message that I would leave with you and would invite you to take to them is that naturalization and effective citizenship processes remain a top priority for the Immigration and Naturalization Service. We have been attempting and we believe have had some considerable success in putting the "N" back

into INS. That is a long term proposition which we are going to continue.

We will work with the Congress in whatever ways we possibly can to achieve that goal. We have had a shared bipartisan commitment from the Congress over the past 2 years where funding is concerned to support an effective naturalization process.

This is a fee-based program, as you know. It is not appropriated funding. But even though it is fee-based, the levels of spending still must be approved by the Congress. So we work very closely in order to be able to resource the program.

We are, as I said, with Ms. Lofgren now on a very, very positive track with the FBI from the standpoint of electronic methods to deal with the fingerprint issues. We are continuing to introduce automation as quickly as we can, again consistent with the good practices, and with safe procurement, and internal controls, et cetera, to introducing automation as quickly as we possibly can.

The re-engineering that will now take place, for which an outside firm that should be as expert as the business community can provide, is another major step forward, in that we look to them to provide us with ideas and with the past technology that can substantially reform the process.

So this is a long-term undertaking. There is no reason to believe, I do not want anybody to believe, that we will be vanquished by this level of interest. We have a problem right now in bringing in everything.

No matter what you did, with that kind of an increase, between the final blue line and the yellow line on that first chart, any organization, even the most crack outfit, would have a hard time adjusting. That is simply too steep a rise. That is 50 percent in 1 year as opposed to 2 years of 50 percent increases.

That is an enormous amount of work to handle. But we are committed to handling it effectively, and we will continue to have it as a top priority.

Mr. BARRETT. Thank you very much.

Mr. SMITH. Thank you, Mr. Barrett.

The gentleman from California, Mr. Bono, is recognized.

Mr. BONO. Commissioner Meissner, I hope that your second priority would be that you will put the "I" back in "illegal." It seems like that is right up there with the job, or I hope that is the attitude of the INS, that the illegal aliens be a big portion of the operation as well.

Ms. MEISSNER. Absolutely. The work that we are doing to combat illegal immigration, and the amount of effort that we have put into defending the border, and the investment that is being made in removing deportable aliens, and the technology that has gone on to support those processes.

As we said earlier, one of the reasons that we have struggled so with the naturalization program is because our major technology investments have been in those enforcement activities. The naturalization caseload hit us before we were able to get to it.

Mr. BONO. OK. Thank you.

With this program Citizenship USA, I guess you went from an average of about 300,000 annually in 1996 to a million, is that correct?

Ms. MEISSNER. That is the change in the numbers of applications filed, that is correct.

Mr. BONO. I am sure you heard my comments that to have a project this big and to have those kinds of numbers and not work it out with the other operating forces, that it was a surprise to the FBI as well, and it surprises me.

On the other hand, rightly so, you have a concern about the backlog of people waiting to get in, but what about the concerns of the counties, and cities, and governments that get this tremendous infusion of people, and are totally not prepared for it. So then you have the hospitals to deal with it, the jails to deal with it, and the crimes.

Was there any effort made in that direction to sort of let them know what was coming, that there was going to be this major infusion of naturalization?

Ms. MEISSNER. Well, the people who have applied for naturalization are long-term residents of the United States. The people in this caseload are people who have been here at least 5 years.

Mr. BONO. What percentage would that be of the million?

Ms. MEISSNER. The ones who have been here at least 5 years as compared to longer than that, I would have to get some numbers for your. I do not have them with me.

Mr. BONO. Is there sort of a ball park on that?

Ms. MEISSNER. Actually, the people who are applying for naturalization today are far longer term residents than just 5 years. What we are finding, as Ms. Lofgren said, is that people who have been in this country for 15 or 20 years as lawful permanent residents have decided to apply for naturalization.

Mr. BONO. Was that the bulk of the naturalizations then, would you say?

Ms. MEISSNER. The bulk of the naturalizations have been people who have been here longer than the minimum.

Mr. BONO. So it would not be an additional burden?

Ms. MEISSNER. These are people who have lived and have been a stable part of our population for quite some years.

Mr. BONO. OK. Thank you.

Just recapping here, I just want to see if I can get clarity on this.

If somebody files for naturalization and they are asked by the INS if they committed a felony and they say no, is that a lie?

Mr. MARTIN. If in fact they had committed one.

Mr. BONO. I am sorry. If they say no, and they have, would that be a lie, or does their nose have to grow, I mean is that not a lie?

Mr. MARTIN. It would be a lie, yes.

Mr. BONO. OK. That is what I asked you.

Then if it is in fact a lie, then is that a condition for denaturalization?

Mr. MARTIN. Yes. In that case, it would be. It would be a willful misrepresentation of a material fact.

Ms. MEISSNER. If they had been convicted.

Mr. MARTIN. You are assuming they had been convicted?

Mr. BONO. We have a preliminary figure of 10,000 that have committed felonies.

Mr. MARTIN. No. The 10,000 figure was felony arrests showing up on the FBI criminal history record. A substantial number of those did not result in a conviction.

Mr. BONO. We do not know what percentage that would be?

Mr. MARTIN. We will. The process is developing those numbers.

Mr. BONO. But the ones who did of the 10,000 were lying?

Mr. MARTIN. You see, a great many of those people in that group would have, I am sure, revealed that. They said yes, I committed such and such an offense and if it was outside of the 5-year period, it may very well not have been disqualifying.

Mr. BONO. I understand that the form asks for all criminal offenses.

Mr. MARTIN. The form asks for all arrests.

Mr. BONO. For the most part, you are saying they give that up?

Mr. MARTIN. Yes, a great many people do. Because the mere fact or an arrest and in many cases a conviction during the time period that we are looking at is not in itself disqualifying.

Mr. BONO. I have trouble when we get into yes and no. I have other questions, but they are going to be hard to pin down. I do not want to get into that game.

I think this. Forget the political. Let us not deal with the political. I do not want to deal with it. But I think that for a program of this nature and the dependency that we have on the INS, that this was botched up frankly.

I mean we have several different areas of just things that are outrageous. I think that America depends on you, and we depend on you and for us now to have to go through all of this after a program that in my view failed miserably is a shame.

I hope that in the future that a goal will be to perform sharply, if you will, to be able to pull off what you are attempting to do. In the case of illegal aliens, that we get the number down. In the case of trying to promote these programs, that they are not inundated with problems and errors to where we have to do this clean-up process that we are going through. That we have to do this, and have another hearing, and go through all of that.

Other than the political, which does not interest me as much as you operating efficiently and doing some preliminary work before you get into these kind of programs, so we do not have to go through this kind of process. So that Americans will have confidence in the agencies that are supposed to do their job accurately.

The fact that the aliens fingerprinted themselves is astounding to me. But there are several other things here that just absolutely make no sense at all, or are not logical. In that they have to be determined by other agencies to tell you that they do not work is staggering. So I think it is failure, and I hope that you pull it together.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Bono.

The gentlewoman from California, Ms. Lofgren, is recognized.

Ms. LOFGREN. Thank you, Mr. Chairman.

Is the glass half full or half empty? Three-quarters of a million people to be naturalized promptly, rather than waiting for 18 months, or 2 years. Or given the numbers, it could have gone to 3 to 4 years. That is an unacceptable delay on the part of a Govern-

ment agency. Clearly, we can do better on the processing of these things, we need to.

There has been no dispute among any of us. I think that our real goal is to make sure that we pull together in a way that makes this work efficiently, and that all of the things that need to be done are done in a timely fashion, and so that all of these great people who want to be fully Americanized have the chance to take that final step, and not just be taxpayers and PTA members, but also American citizens that they want to be.

The Congresswoman from Florida this morning brought her naturalization certificate. It reminded me of my grandfather, who has his naturalization certificate framed hanging on the wall of the living room.

We are a better country because of people, I like to think, like my grandfather, and certainly the Congresswoman from Florida who had a chance to become an American citizen.

Now having said that, I still have some concerns about how we are going to get through this big mountain of applicants. As we know, there are a variety of factors that leads people to do this. But its almost an unstoppable trend now for people to want to apply.

I am wondering, we have been talking about technology, to what extent may the agency utilize resources on a contract basis that are available from other levels of government?

I will tell you one thing that I am thinking of. The county of Santa Clara, and the city of San Jose, and the churches, and the nonprofits are really doing very wonderful things in trying to help people back in my district. One of the things that the county has are people with security clearances who work for the sheriff's department, the district attorney, or the court. They are certainly solid people who have had their own background checks for their jobs, who are already employed in the community.

Could someone like that be employed by INS for 6 months or a year on a contract basis, if the county were to make them available to help with the backlog, if there is just a glitch; is there a way to corroborate where you have heavily impacted areas such as San Jose and other parts of the San Francisco region?

Perhaps this is happening in Los Angeles. But I think that at least in areas like mine where everybody sees this as do-gooderism, and let's work together, I would love to be able to corroborate and be able to use some of those resources. I am not talking flaky things, but really solid stuff like another government.

Ms. MEISSNER. This is an area that has been a big frustration for us, because of statutes that are really out of date and that tie our hands.

I just want to be sure that Mr. Bono knows that people have not been allowed to fingerprint themselves. That is an error. People are required to bring their fingerprints to us. But there are a whole set of agencies and services that provide that service. That is basically a regulated business by us, so that it is done according to certain standards.

The prohibition in the statute has to do with getting voluntary help. As Mr. Colgate said earlier that has now, I believe at our re-

quest, been modified, so that we can now accept contributions of one sort or another.

The regulations for that are being written. I really want to be able to work with you and with counties like yours to figure out what the possibilities are, and what mechanisms we can put together. Because you are absolutely right, this is an absolutely unprecedented surge, and it will take everyone's best efforts.

Ms. LOFGREN. So you think that the donation could be time by employees?

Ms. MEISSNER. I just do not know. But it is an area that we have been very concerned with, that we have been trying to get some relief on in terms of what the constraints on us are for a couple of years. Finally, there are some changes.

David, can you speak to it?

Mr. MARTIN. There was this additional gift authority. There are still some other restrictions on accepting services and we look to the Justice's management division's regulations to give us guidance on that. But we will be in a position to be much more flexible.

Ms. MEISSNER. Exactly.

Ms. LOFGREN. I would really like to work with you on that. I would assume that on a bipartisan basis that is the State of Texas or the State of California wanted their law enforcement agencies or computer records to be made available, that there should not be a constraint on that. Certainly, if it were a private group, it would be different. But a State government, or a county, or a city, I would think that we would want to work corroboratively on that.

Ms. MEISSNER. We are exploring a number of avenues there, I think that if we talk about this in terms of your particular situation in San Jose, I hope that we can develop something.

Ms. LOFGREN. Good. Thank you.

Mr. SMITH. Thank you, Ms. Lofgren.

The gentleman from Ohio, Mr. LaTourette, is recognized.

Mr. LATOURETTE. Thank you very much, Mr. Chairman.

Mr. Crocetti, I want to go back to something you and I were talking about before we took our break. When we get ready for a hearing like this, they give us these big, fat briefing books, that is why my prescription has changed since I came to Congress a couple of years ago.

But I was talking to you, and the Commissioner was kind enough to jump in, and talk about the number of political appointees. As I went back from our recess, I located a note, and I cannot give you the source as I sit here. But in fact, the allegation is in one of these e-mails that there are four political appointees who are working on citizenship within INS, which is in your bailiwick, first citizenship is in your bailiwick.

Are there four political appointees assigned to the citizenship program at INS, to your knowledge, or is that bum information that I received?

Mr. CROCETTI. Well, I think that the definition of political appointee is in question.

Mr. LATOURETTE. We know that Mr. Rosenberg is not one. He was a contract employee. So use any definition that you feel comfortable with, and tell me whether or not that is true or not.

Mr. CROCETTI. There are people involved in the Citizenship USA initiative that are not careerists, yes.

Mr. LATOURETTE. Is the No. 4 right?

Ms. MEISSNER. I can think of the person who is no longer in the INS, to whom Don reported, who was a non-career appointee. I can think of one other staff person. I can only think of two.

Mr. LATOURETTE. The reason that I ask the question is again, Mr. Crocetti, when we talk about this fingerprint business—Gilbert Kleinknecht, do you know who he is?

Mr. CROCETTI. Yes.

Mr. LATOURETTE. I again have an e-mail from him dated April 16, 1996, that basically talks about the status of the FBI processing of fingerprints is concerned. Then the second bullet and paragraph of that, it indicated that they were not only receiving fingerprint requests from you, as the Commissioner has indicated, but this is a law enforcement computer system that is used by a number of different agencies.

The sentence says, "It was noted that they do not have the resources to handle any increased volume."

When I watched the Commissioner testify yesterday, she talked about the fact of the ramp-up. I believe that you opened up 9 new offices, and 900 new full-time employees were added to this effort to get this job done.

If you were in receipt in April 1996 of a communication that indicated that the FBI already could not handle, did not have the resources to handle any increased volume, first of all, do you recall that, did that spawn the "This is a time bomb that is about to blow up" series of memos or not?

Mr. CROCETTI. Well, actually, I disagree with that statement. We have been working closely with the FBI, and it has never come up. The resource issue has never come up other than when we raised it with regard to talking about projections.

In fact, if I am not mistaken, the FBI gets about $23 for a fingerprint card. So it does not take too much to figure out $23 times a million cases, that is a lot of money. So in a way, that should fund the resources necessary to do the clearances. That is what we are paying the user fee for.

Mr. LATOURETTE. I understand the revenue end of it. But this line where it was noted that they do not have the resources to handle any increased volume?

Mr. CROCETTI. Well, I talked to the FBI about that and they have had a staff decrease as a result of their relocation. So they have had some hiring problems there. We have also talked about assigning INS staff, some staff, to work at the actual fingerprint center to help us improve our communication, and work through this improvement in the whole process.

Mr. LATOURETTE. Thank you.

Mr. ROSENBERG. Sir, may I add something to that?

Mr. LATOURETTE. Sure.

Mr. ROSENBERG. There is a timing issue here on the entire question of when things occurred that is very important. The committee should understand that two-thirds of the cases that were handled during this period that we are viewing were submitted to the INS

and to the FBI for fingerprint checks between 1992 and 1995 before this program ever began.

So the question of whether they could handle a ramp-up was a question of handling future cases, not the cases that were actually naturalized during this period. There were all cases that had been handled in prior—or two-thirds of them before September 1995.

Mr. LATOURETTE. I appreciate that. Mr. Rosenberg, I am glad that you chimed in, because I would like to ask you a couple of questions if I could.

Mr. ROSENBERG. Please.

Mr. LATOURETTE. During the time that you ran the Citizenship USA program, could you tell the committee how many times you had the opportunity to sit down and meet with Mr. Farbrother of the NPR, the Vice President's staff?

In talking to Mr. Crocetti earlier today, I think he said to me that he would not know them if they walked in the door. So I am just interested.

Mr. ROSENBERG. Absolutely. First of all, I was essentially the project director. There was essentially a coordinator of the task force that represented a variety of units in the organization, including the naturalization branch, which is under Don's control, as well as the field operations, management and policy all had representatives working on a task force concept. That is what my role was in relation to this.

Mr. Farbrother was one of the analysts from NPR who asked from their end to come and meet with us. He met, I believe, once at headquarters initially. We were then asked to tour our largest facilities in Los Angeles, and that I was on that trip along with Alex Aleinikoff, the executive associate commissioner.

Thereafter, Mr. Farbrother wanted to tour the other remaining of the largest sites. The Commissioner and Deputy Commissioner asked me if I would travel with them, one to listen to what the conversations were, and to assure that our field people understood that this was analysis and not direction that was being taken. So I traveled with them through that entire period. So the number of meetings, that is a little hard to answer.

Mr. LATOURETTE. I appreciate that. As my yellow light illuminates, if I can sneak in one more question if I could.

When we were talking to the Commissioner today, to her credit and I think to Mr. Crocetti's credit, that there were some suggestions bandied about as to how perhaps this process could have political advantage. I think to their credit, those were resisted during those meetings and trips with Mr. Farbrother, Laurie Lyons, and others at NPR.

Were the political advantages of the registration effort ever discussed, and ideas either accepted or rejected as part of a political advantage and discussed?

Mr. ROSENBERG. No, neither in a formal meeting, or in any of the dinners or travel on the road. I never came to a meeting where that was mentioned.

Mr. LATOURETTE. Thank you very much.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. LaTourette.

The gentleman from Georgia, Mr. Barr, is recognized.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Chairman, I apologize for having been at some other hearings that we had today. I have reviewed these materials, and I have a statement that I will insert for the record. I presume that we all have statements that we can put in the record.

Mr. SMITH. So ordered.

[The prepared statement of Hon. Bob Barr follows:]

OPENING STATEMENT OF THE HONORABLE BOB BARR (GA-7)
BEFORE THE JOINT SUBCOMMITTEE HEARING ON "CITIZENSHIP USA"
MARCH 5, 1997

Mr. Chairmen, I congratulate you both on calling this critically important hearing.

Today's oversight hearing on the Immigration and Naturalization Service's "Citizenship USA" program is necessary to get to the bottom of a scandal that has both immediate and long-term ramifications for American citizens all across the country. The fact is that in an election year the Administration, in conscious disregard of U.S. immigration laws and in complete disregard for the government's obligation to protect American the lives and property of American citizens, launched a so-called "citizenship program" that resulted in the admittance of over 1 million people, nearly 200,000 of whom did not go through the required criminal background checks. That failure, in and of itself, is criminal.

The result is this Administration has endangered the lives of citizens in communities all across America. In a blatant drive to register new citizens as voters, this Administration is responsible for setting aside the national interest in favor of political interests. Simply put, rapists, drug dealers, murderers and other felons almost certainly have been admitted into this country; granted citizenship in violation of U.S. law. Those individuals are living in communities across the nation, and their new neighbors -- our citizens -- have no idea about their criminal past.

Of the background checks which were run, almost 72,000 were found to have criminal records -- from dismissals and minor offenses to serious and violent crimes such as drug trafficking, child molestation, assault, robbery, burglary, rape and murder -- but were granted citizenship anyway.

The abuses surrounding the "Citizenship USA" program represent one of the most outrageous abuses of federal power I have ever witnessed. This scandal threatens the lives of all Americans, and I must say I hope criminal charges will come out of the investigations into this matter.

Mr. BARR. I suppose, Mr. Martin, that you would be in the best position to answer this. If it is somewhat repetitive, that is fine.

What is the status of the investigation of criminal activities with regard to the whole mess, can you tell me where those stand both within the Immigration and Naturalization Service, and also with main Justice?

I am not asking you to disclose the details of any ongoing investigations, but where do they stand, what is the status, of any investigation?

Mr. MARTIN. Mr. Colgate described this morning a process to look at those people with criminal history records in the Nebraska review process, and that is detailed in this testimony.

Is that what you are speaking of, the process?

Mr. BARR. I would like to know what is the status of the investigations of criminal activity?

Mr. MARTIN. I do not have the numbers in front of me here. But the process identified those with criminal history records.

Mr. BARR. I am talking about people in INS.

Ms. MEISSNER. I think that you are talking about any allegations of malfeasance.

Mr. BARR. Yes.

Ms. MEISSNER. Any allegations in that regard are under the responsibility of the Office of the Inspector General in the Justice Department.

Mr. BARR. What is the status of those, Mr. Martin, insofar as INS is aware of it?

Mr. MARTIN. I do not have any further information. It is within that office.

Mr. BARR. You have no idea what investigations are ongoing?

Mr. MARTIN. Typically, our office would not be involved in that process. It is handled separately for understandable reasons by the Office of the Inspector General. So I do not have information about that.

Mr. BARR. The Inspector General of?

Mr. MARTIN. The Department of Justice.

Mr. BARR. INS is not engaged in and has no activities ongoing whatsoever; and in assisting in those, nobody at INS is aware of any criminal investigations that are ongoing?

Ms. MEISSNER. We would have to ask our office of internal audit. We have an office of internal audit in the Immigration Service that maintains a liaison with the Inspector General at the Justice Department. If there are any matters in the Office of Internal Audit, which I doubt, I think that the matters would be under the purview of the Inspector General. The internal audit people would know, but I do not have that information here.

Mr. BARR. Are you aware of any investigations of INS employees, criminal investigations, arising out of this whole series of problems?

Ms. MEISSNER. I have heard about allegations, but I could not confirm for you. I cannot answer your question. I am not aware of any.

Mr. BARR. I understand certainly the sensitivity of the details of investigation certainly being conducted by the Department of Justice. I am somewhat mystified that nobody here from INS is aware

of any criminal investigations of alleged criminal activity being conducted by our government. Unless you all feel that nothing wrong was done.

Ms. MEISSNER. No, no, I am not saying that. It is not our responsibility to carry out those investigations.

Mr. BARR. But are you aware of any?

Ms. MEISSNER. I am told that there are some allegations of reprisals, which are under investigation by the Office of the Inspector General. We would be happy to followup and get you information on whatever else might be available.

Mr. BARR. Has the Inspector General contacted you and questioned you?

Ms. MEISSNER. No.

Mr. BARR. How about Mr. Rosenberg?

Mr. ROSENBERG. Not regarding any criminal investigation that I know of. They have done program audits. The Inspector General's Office did do some program audits, routine reviews, last year, for which we were questioned at the beginning. They were not related to individual criminal investigations. That is how they presented it to us.

Mr. BARR. Mr. Crocetti.

Mr. CROCETTI. I am unaware of any criminal investigations. Just administrative reviews by the Inspector General.

Mr. BARR. Nobody here is aware of any?

Ms. MEISSNER. When the Inspector General has an investigation, it is not information that is shared with us. That is purposeful. It is, as Mr. Martin has said.

Mr. BARR. You have not been made aware of any investigations then?

Ms. MEISSNER. As I say, I am told that there is a reprisal investigation, but I would not know. That would not be information that would be shared with me until the investigation is complete.

Mr. BARR. In looking at the whole range of activities here, is there anything that strikes you as problems that the Department of Justice ought to be looking into?

Ms. MEISSNER. There are a series of problems that have been involved in this program. We have worked very closely with the Justice Department to address those problems. They are management, administrative, and technology issues.

Mr. BARR. I am talking about criminal.

Ms. MEISSNER. I am unaware of any criminal issues, and those are not issues that I would be involved in with the Justice Department. Those would be carried on in an investigative framework.

Mr. BARR. Let me ask hypothetically in your duties as Commissioner.

If you saw activity, records being destroyed, evidence of that for example, or other possible criminal activity by employees of INS, would you then go to the Department of Justice, and request that this be looked into?

Ms. MEISSNER. I would.

Mr. BARR. You have seen no such evidence?

Ms. MEISSNER. I have no direct evidence of that, no.

Mr. BARR. Have you seen any evidence that has caused you to go to the Department of Justice, and request that they investigate anything from a criminal standpoint?

Ms. MEISSNER. Not personally, no. Now there may be people in the Immigration Service who have seen that, and they would have reported it to the Inspector General, and the Inspector General would then followup. But that would not come through the chain.

Mr. BARR. So you are not aware of anything like that has happened?

Ms. MEISSNER. I am not aware of it. I am not telling you that it has not occurred. I am just not aware of it.

Mr. BARR. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Barr.

I do not believe that any other Members have questions, with the possible exception of Mr. Bono.

Mr. BONO. I would like to followup, if I could, Mr. Chairman.

Mr. SMITH. The gentleman is recognized.

Mr. BONO. Thank you.

Going back to fingerprinting, when the fingerprinting is done, where did you say that was done now? We had testimony one way, and now it is another. But where would that be?

Ms. MEISSNER. Organizations apply for what is called designated fingerprint status and we accept their applications, and we certify them as designated fingerprint providers. We train them, and we make certain that their employees have security clearances. We randomly monitor the sites. We do surprise visits, to be certain that they are complying. They exist all around the country.

Mr. BONO. So what would be the standards of the provider?

Ms. MEISSNER. They obviously need to know how to do a fingerprint. There is a certain technique involved in doing that. They must verify the identity of the person that they are fingerprinting. They must handle the fingerprints according to standardized procedures.

Mr. BONO. Is there a procedure where you can followup, and find out if that fingerprint does identify with that person?

Ms. MEISSNER. We train them to do that identification properly, and then we monitor their work. We do surprise visits, and we follow-up training. There are a variety of monitoring procedures, to be sure that it is being relied upon.

Mr. BONO. So you feel comfortable that the fingerprints would be accurate?

Ms. MEISSNER. I do. Now it is not as good as the electronic process that we will be moving toward, which we have been discussing here, and the electronic processes being introduced late this spring, and we are beginning to pilot it. But it is a far better process. The DFS, the Designated Fingerprint Services, is a far better process than has existed before.

Mr. BONO. I hope you monitor it heavily. Because the documentation in Los Angeles, you can secure almost any documentation for $30 from anybody. It is very, very good.

I question whether you can go around and monitor these fingerprints, and I question whether you can verify that all of these fingerprints are accurate. But we will let that be. I have a problem

with that. I am glad that you have changed it. Because I think that it needed to be changed. I think it was not effective.

Going back to the backlogging, did the INS ever get involved in soliciting applicants for naturalization?

Ms. MEISSNER. We did not solicit applicants. These applicants came forward.

Mr. BONO. All of them, 100 percent of them?

Ms. MEISSNER. As far as I know. Obviously, we make information available. If people call, come in, or write, whatever, we obviously want to inform them of their eligibility, and what the procedures are.

We work and we have worked through this program very actively with community-based organizations in an effort to develop a much broader assistance network in the community, to help applicants who want to apply.

For instance, Congresswoman Ros-Lehtinen is very involved with a set of organizations in Miami that we work closely with in helping to prepare citizenship applications. The better and more thoroughly an application is prepared, the document that comes with it, if it is provided properly makes our job easier. Because if we get a perfected application, then we spend our time on adjudicating rather than on sending it back and forth for it to be properly completed.

So we have expanded and made a very important objective of developing partnerships we call them with intermediary organizations. The Catholic Church is probably the major intermediary organization with which we work. But we work with the Jewish community and we work with many Latino and other ethnic-based organizations. We think that is very productive.

Mr. ROSENBERG. May I add one thing, just because you asked about 100 percent, and I just want to be clear. The Congress put in our budget a grant for public awareness and outreach on naturalization in southern California, a $500,000 grant, which INS was mandated to provide to a non-governmental organization to make the public more aware of the process of naturalization. In that context, people were encouraged to apply for naturalization, and facilitate it in applying. That was done.

So your question of 100 percent, obviously some came in through that process.

Mr. BONO. When we have further studies that we are going to have, will we know the percentages that were backlogged here in the States, and also the number of new applicants?

Ms. MEISSNER. We can tell you that now. When we became timely with our processing this summer, two-thirds of those applicants were applicants who had applied before 1996.

Mr. BONO. You know, it is not my intention to be a tough guy up here at all. I am fairly new here. But I am very discouraged with the INS when we have to deal with the Crone issue, and the kind of blatant in your face about it.

Usually, when you get caught and nailed cold, it seems to me that the right thing to do is just to go OK, how can we make you feel good about this, and how can we feel good about this.

As I said before, seeing the penalties that were assessed to the people that committed what I consider crimes staggered me. I un-

derstand that those can go on to appeal, and be minimized even more.

So it certainly disheartens me as a non-professional person, as someone just from the streets, to see an agency such as yours, which should be very tight about, you know, you cannot mess with this country, and you can mess with these laws and you cannot come in here and just helter-skelter.

To have the agency itself be a part of the deception, and for us to find that out, and to have it be so completely and utterly uncooperative, then that raises doubts with us.

Since I have been here, I just have doubts. The other thing is that it always appears that we are playing cat and mouse. I do not even pursue certain lines of questioning. Because if there is not just hard, cold evidence, I know you have an answer.

But sometimes, I really question some of these answers. I guess that is my instinct. I will leave it at that. But they are troubling to me and I just hope that you realize that you represent America. You represent authority. You represent honesty, and integrity, and ethics.

A continual defense of these, we will say all right, it is another coincidence that the Vice President wanted a million people signed up for election time, and that you procured a million people.

But the actual functioning of the INS, I think, has to be above reproach. That should be a goal that we should go to. We should not be adversarial up here. We should be kind of working together. But the data that we get is always late. It just seems like an uncooperative effort, and it is discouraging. I think that you owe the American public more than that.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Bono.

Let me assure the Members that they will have the opportunity to ask written questions as well. Without objection, the record will remain open for 2 weeks for additional questions.

Let me thank the witnesses for their attendance, and the Members for their interest and stamina. Particularly Mr. Barrett for being such a good co-chair up here. Also, a special thanks to the staff, who have spent a number of nights staying up late, I know, because I get faxes at home, and for all of their work in preparation to make this hearing possible.

With that, the subcommittees will stand adjourned.

[Whereupon, at 3:50 p.m., the subcommittees were adjourned.]

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